

57/4



# भारत का राजपत्र The Gazette of India

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No. 23] NEW DELHI, SATURDAY, JUNE 4, 1994/JYAISTHA 14, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than  
the Ministry of Defence)

वित्त मंत्रालय  
(व्यय विभाग)

नई दिल्ली, 2 मई, 1994

का.आ. 1265 —भविष्य निधि अधिनियम, 1925  
(1925 का 19) की धारा 8 की उप धारा (2) द्वारा  
प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा  
उक्त अधिनियम की अनुसूची में निम्नलिखित लोक-संस्थान  
का नाम शामिल करती है :—

‘केन्द्रीय योगा अनुसंधान संस्थान’

[सं. 4(1)-ईबी/92(I)]

अशोक कुमार चान्दना, उप सचिव

MINISTRY OF FINANCE  
(Department of Expenditure)

New Delhi, the 2nd May, 1994

S.O. 1265.—In exercise of the powers conferred by sub-  
section (3) of section 8 of the Provident Fund Act, 1925 (19

of 1925), the Central Government hereby adds to the Sche-  
dule to the said Act the name of the following public institu-  
tion namely :

“CENTRAL RESEARCH INSTITUTE FOR YOGA”

[No. 4(1)-EV/92(I)]

A. K. CHANDNA, Dy. Secy.

नई दिल्ली, 2 मई, 1994

का.आ. 1266.—भविष्य निधि अधिनियम, 1925  
(1925 का 19) की धारा 8 की उप धारा (2) द्वारा  
प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार  
एतद्वारा निदेश देती है कि उक्त अधिनियम के उपबंध  
(धारा 6क को छोड़कर) उक्त अधिनियम की अनुसूची  
में विनिर्दिष्ट केन्द्रीय योगा अनुसंधान संस्थान के कर्मचारियों  
के लाभ के लिए संस्थापित भविष्य निधि पर लागू होंगे।

सं. 4(1)-ईबी/92(II)]

अशोक कुमार चान्दना, उप सचिव

(1709)

New Delhi, the 2nd May, 1994

1. 1266.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Fund Act, 1925 (1925), the Central Government hereby directs that provisions of the said Act (except section 6-A) shall apply to the Provident Fund established for the benefit of the employees of the Central Research Institute for Yoga specified in the Schedule of the said Act.

[No. 4(1)-EV/92(II)]

A. K. CHANDNA, Dy. Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 अप्रैल, 1994

का.भा. 1267.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पैट्रोलियम और प्राकृतिक गैस मंत्रालय के अधीनस्थ सरकारी क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को, जिनके कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. बम्बई क्षेत्रीय कार्य केन्द्र,

आयल एण्ड नेचुरल गैस कारपोरेशन लि., 2ए  
वसुन्धरा भवन, बान्द्रा(पूर्व) बम्बई-400051

नई दिल्ली, 18 मई, 1994

का.भा. 1268:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पैट्रोलियम एवं प्राकृतिक गैस लाने के लिये एच.बी.जे. अप-ग्रेडेशन गैस पाईप लाईन डाली जाये और यह पाईप लाईन गैस अथॉरिटी ऑफ इण्डिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पैट्रोलियम एवं खनिज पाईप लाईन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 2 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एवम् द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रवि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाईप लाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लि., एच.बी.जे. अप-ग्रेडेशन गैस पाईप लाईन प्रोजेक्ट, पी.डी.आई.एल. बिल्डिंग, ए-14, सेक्टर-1, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

एच.बी.जे. अपग्रेडेशन पाईप लाईन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा सं.	अर्जित क्षेत्र. अन्य विवरण हैक्ट.	
1	2	3	4	5	6	7
मुल्तानपुर	सिकन्दराबाद	वनकौर	सिरसा	451	0-0960	
				452	0-0180	

2. आई. बी. पी. क. लिमिटेड,

बिजनेस ग्रुप (पैट्रोलियम) क्षेत्रीय कार्यालय, उत्तरी क्षेत्र,  
11वीं मंजिल, हिन्दुस्तान टाइम्स हाउस, 18-20  
कस्तूरबा गांधी मार्ग, नई दिल्ली।

3. आई. बी. पी. क. लिमिटेड,

बिजनेस ग्रुप (पैट्रोलियम) दिल्ली प्रभागीय कार्यालय,  
हंसालय, 13वां तल, 15, बाराखम्बा रोड, नई दिल्ली।

[सं. 11011/1/93-हिन्दी]

कृष्ण चंद कटोच, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 22nd April, 1994

S.O. 1267.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the control of the Ministry of Petroleum & Natural Gas, the staff whereof have acquired 80 percent working knowledge of Hindi :—

1. Bombay Regional Business Centre,  
Oil & Natural Gas Corporation Ltd., 2A, Vasundhara Bhavan, Bandra (East)  
Bombay-400051.
2. IDP Co. Ltd.  
Business Group (Petroleum) Regional Office, North Region, 11th Manjil, Hindustan Times House, 18-20 Kasturba Gandhi Marg,  
New Delhi-110001.
3. IBP Co. Ltd.  
Business Group (Petroleum) Delhi Divisional Office, Hansalaya, 13th Tal, 15 Barakhamba Road, New Delhi-1.

[No. 11011/1/93-Hindi]

K. C. KATOCH, Under Secy.

1	2	3	4	5	6	7
				453	0-0720	
				454	0-0030	
				455	0-0060	
				445	0-1740	
				456	0-0160	
				444	0-1580	
				443	0-0030	
				442	0-0060	
				440	0-2220	

योग 11 0-7740 हैक्टे.

या 1-912 एकड़

या 03-01-03 बीघा

[संख्या एल०-14016/3/94-जी०पी०]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1268,—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner

#### SCHEDULE

#### H. B.J. UPGADATION PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired Area In Hectare	Remarks
1	2	3	4	5	6	7
Buland Shaher	Sikandrabad	Danhaur	Sirsa	451	0.0960	
				452	0.0180	
				453	0.0720	
				454	0.0030	
				455	0.0060	
				445	0.1740	
				456	0.0160	
				444	0.1580	
				443	0.0030	
				442	0.0060	
				440	0.2220	
G. TOTAL				11	0.7740	Hectare
				OR	1.912 Acres	
				OR	03-01-03 Blgha	

[No. L. 14016/3/94—GP]

ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का.प्र. 1269:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिये एच.बी.जे. अप-ग्रेडेशन गैस पाईप लाईन डाली जाये और यह पाईप लाईन गैस अथारिटी आफ इंडिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाईप लाईन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बतर्ते कि उक्त भूमि में अपनी इच्छा रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाईप लाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लि., एच.बी.जे. अप-ग्रेडेशन गैस पाईप लाईन प्रोजेक्ट, पी.डी.आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## बाद अनुसूची

एच.बी.जे. अप-ग्रेडेशन गैस पाईप लाईन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	चक सं.	गाटा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7	8
बुलन्धर	सिकन्दाबाद	वनकौर	इमलियाका	38	311	0.2840	
					312		
					313		
					चकरोड	0.0100	
					137	0.3860	
					397		
					396		
					371		
					372		
				नाली चकरोड	274	0.0180	
					247	0.0200	
					248		
					265		
					127	0.0960	
					67	0.0200	
					115	0.3260	
					263		
					31	0.2020	
					261		
					262		
				187	258	0.0600.	
					259		

1	2	3	4	5	6	7
				185	258	0.0660
					259	
				210	258	0.0600
					259	
				कार्टेडूक	258	0.0060
					259	
योग				13	--	1.5540 हैक.
				या 3.838 एकड़		
				या 06-02-16 बीघा		

[फा.सं. एल. 14016/3/94-जी.पी.]

अधेन्द्रु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1269.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas from H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State. Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Mineral

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Chak No.	Plot No	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7	8
Bulandshaher	Sikandrabad	Dankaur	Imalyaka	38	311	0.2840	
					312		
					313		
				Chakroad	398	0.0100	
				137	398	0.3860	
					397		
					396		
					371		
					372		
				Nali	274	0.0180	
				Chakroad	247	0.0200	
					248		
					265		
				127	247	0.0960	
				67	248	0.0200	
				115	265	0.3260	
					263		
				131	260	0.2020	
					261		
					262		
				187	258	0.0600	
					259		

	185	258	0.0660
		259	
	210	258	0.0600
		259	
	Cart track	259	0.0060
		258	
Total		13	1.5540 Hecter
		O	3.838 Acres
		Or	06-02-16 Bigha

[F.No. L-14016/3/94-GP]

ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का.आ. 1270:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिये एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी ऑफ इंडिया द्वारा बिछाया जाना है।

और यह भी अनुभव करनी है कि उस कार्य के लिये इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखनेवाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लि. एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी.डी.आई.एल. बिल्डिंग, ए-14, सेक्टर-1, नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद अनुसूची

एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन परियोजना

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
बुलन्दशहर	सिकन्द्राबाद	दनकौर	बिसायन	219	0.0120	
				199	0.2020	
				194	0.0720	
				195	0.0840	
				201	0.0060	
				176	0.2612	
				202	0.0588	
				175	0.1188	
				150	0.0180	
				151	0.1200	
				144	0.0180	

1	2	3	4	5	6	7
				137	0.1120	
				138	0.0060	
				148	0.0300	
				141	0.2435	
				121	0.0030	
				120	0.2600	
				119	0.0060	
				33	0.0030	
				31	0.2020	
				22	0.0060	
				19	0.0090	
				18	0.3430	
				11	0.0040	
				12	0.0060	
				10	0.0640	
				9	0.1000	
				8	0.0060	
				7	0.0030	
				2	0.2845	
				3	0.1755	
सम्पूर्ण योग				31	2.8373	हेक्टेयर
				या	6.998	एकड़
				या	11-03-18	बीघा

[सं. फा.एल. 14016/3/94-जी.पी.]

अश्वेन्द्रु सैन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1270.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral

Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP—GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7
Buland Shaher	Sikandrabad	Dunkaur	Bisaich	219	0.0120	
				199	0.2020	
				194	0.0720	
				195	0.0840	
				201	0.0060	

1	2	4	4	5	6	7
				176	0.2612	
				202	0.0588	
				175	0.1188	
				150	0.0180	
				151	0.1200	
				144	0.0180	
				137	0.1120	
				138	0.0060	
				148	0.0300	
				141	0.2435	
				121	0.0030	
				120	0.2600	
				119	0.0060	
				33	0.0030	
				31	0.2020	
				22	0.0060	
				19	0.0090	
				18	0.3430	
				11	0.0040	
				12	0.0060	
				10	0.0640	
				9	0.1000	
				8	0.0060	
				7	0.0030	
				2	0.2845	
				3	0.1755	
Total				31	2.8373	Hectare
				OR	6.998	Acres
				OR	11-03-18	Bigha

[No. L.-14016/3/94—GP]

ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 12711—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. वी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी ऑफ इंडिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अनः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी. डी. आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप में निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।



## बाद अनुसूची

## एच. बी. जे. अप प्रेक्शन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित क्षेत्र, हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
मथुरा	छाता	छाता	सेमरी	687	0.7840	
				692	0.0030	
				693	0.2140	
				686	0.0360	
				685	0.1540	
				684	0.0440	
				683	0.6420	
				677	0.0030	
				673	0.1180	
				674	0.0360	
				676	0.0210	
				675	0.5340	
				662	0.0240	
				661	0.1840	
				660	0.5080	
				659	0.0240	
				598	0.1500	
				591	0.3740	
				590	0.0364	
				586	0.1350	
				582	1.1170	
				576	0.0630	
				575	0.8450	
				573	0.2260	
				572	0.0080	
				121	1.2600	
				200	0.1420	
				206	0.5700	
				205	0.0224	
				207	0.0080	
				199	0.5700	
				194	0.0080	
				164	0.5140	
				228	0.0080	
				229	0.0624	
				193	0.0168	
				232	0.0080	
				192	0.0080	
				191	0.7060	
				190	0.0312	

1	2	3	4	5	6	7
				172	0.2680	
				179	0.0080	
				188	0.0624	
				173	0.0480	
				187	0.0080	
				185	0.4260	
				186	0.0360	
				182	0.5380	
सम्पूर्ण योग				48	11.5956	हेक्टेयर
				या	28.641	एकड़
				या	45-16-10	बीघा

[सं. एल. 14016/3/94-जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1271.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State. Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Plot No	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7
Mathura	Chhata	Chhata	Semri	687	0.7840	
				692	0.0030	
				693	0.2140	
				686	0.0360	
				685	0.1540	
				684	0.0440	
				683	0.6420	
				677	0.0030	
				673	0.1180	
				674	0.0360	
				676	0.0210	
				675	0.5340	
				662	0.0240	
				661	0.1840	
				660	0.5080	
				659	0.0240	
				598	0.1500	
				591	0.3740	
				590	0.0364	
				586	0.1350	
				582	1.1170	

1	2	3	4	5	6
			Semri	576	0.0630
				575	0.8450
				573	0.2260
				572	0.0080
				121	1.2600
				200	0.1420
				206	0.5700
				205	0.0224
				207	0.0080
				199	0.5700
				194	0.0080
				164	0.5140
				228	0.0080
				229	0.0624
				193	0.0168
				232	0.0080
				192	0.0080
				191	0.7060
				190	0.0132
				172	0.2680
				179	0.0080
				188	0.0624
				173	0.0480
				187	0.0080
				185	0.4260
				186	0.0360
				182	0.5380
			G. Total	48	11.5956 Hectare
			OR		28.641 Acres
			OR		45-16-10 Bigha

[No. L-14016/3/94-GPP]

ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1272:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में प्रेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी आफ इंडिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अन. पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड 3 के उप-खंड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रूचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट पी. डी. आई. एस. बिल्डिंग, ए-14, सैक्टर-1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा धिधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## अनुसूची

एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
मथुरा	छाता	छाता	सिद्धाना	516	0.0270	
				515	0.3860	
				514	0.0080	
				513	0.3800	
				512	0.0900	
				504	0.0480	
				501	0.3400	
				448	0.0160	
				146	0.3040	
				149	0.3550	
				151	0.0754	
				148	0.1540	
				152	0.2920	
				153	0.0080	
				161	0.4790	
				160	0.3010	
				159	0.1426	
				162	0.2740	
				164	0.0080	
				167	0.3700	
				168	0.1870	
				117	0.4270	
				165	0.0030	
				173	0.0676	
				116	0.6400	
				65	0.0080	
				20	0.2350	
				21	0.3358	
				21/582	0.0792	
				22	0.0080	
				23	0.5710	
				26	0.0768	
				32	0.3610	
				33	0.1380	
				34	0.3520	

1	2	3	4	5	6
			मिहाना	45	0.0080
				44	0.1900
				43	0.0840
				49	0.4430
			सम्पूर्ण योग	39	8.2724 हेक्टेयर
				या	20.433 एकड़
				या	32-13-17 बीघा
					32 बीघा-13 बिसवा-17 बिसवासी

[संख्या एल 14016 / 3 / 94 जी. पी.]

अर्घेन्दु सैन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1272.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Mineral

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.L.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

## H.B.J. UP—GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7
Mathura	Chhata	Chhata	Sihana	516	0.0270	
				515	0.3860	
				514	0.0080	
				513	0.3800	
				512	0.0900	
				504	0.0480	
				501	0.3400	
				448	0.0160	
				146	0.3040	
				149	0.3550	
				151	0.0754	
				148	0.1540	
				152	0.2920	
				153	0.0080	
				161	0.4790	
				160	0.3010	
				159	0.1426	
				162	0.2740	
				164	0.0080	
				167	0.3700	
				168	0.1870	
				117	0.1270	
				165	0.0030	
				173	0.0676	
				116	0.6400	

1	2	3	4	5	6	7
			Sihana	65	0.0080	
				20	0.2350	
				21	0.3358	
				21/582	0.0792	
				22	0.0080	
				23	0.5710	
				26	0.0768	
				32	0.3610	
				33	0.1380	
				34	0.3520	
				45	0.0080	
				44	0.1900	
				43	0.0840	
				49	0.4430	
G. TOTAL				39	8.2724 Hectare	
				OR	20.433 Acres	
				OR	32-13-17 Bigha	

[No- L-14016/3/94-GP]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. भा. सं. 1273:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप-ग्रेडेशन गैस पाईप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी आफ इण्डिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उम कार्य के लिए इसके साथ संलग्न विवरण में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाईप लाइन प्रोजेक्ट, पी. डी. आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा बिधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

एच. बी. जे. अप-ग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	चक सं.	गाटा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7	8
बुसन्वशहर	सिकन्दाबाद	दनकौर	सलेमपुरगुजर	486	118	0.0224	
				319	118	0.0228	
				411	118	0.0232	
				86	118	0.0192	
				384	115	0.2680	

1	2	3	4	5	6	7	8
				चकरोड	115	0.0060	
				64	114	0.0900	
					115		
					120		
				91	114	0.1080	
					120		
				366	102	0.3500	
					112		
					113		
					114		
				चकरोड	102	0.0060	
				356	102	0.2800	
				514	102	0.2580	
				चकरोड	96	0.0060	
					102		
				514	95	0.0480	
				गांव सभा	95	0.0800	
					96		
				31	95	0.1276	
					96		
				477	96	0.1636	
				262	96	0.1200	
					99		
				511	96	0.2275	
					99		
				चकरोड	99	0.0060	
				289	99	0.2650	
					86		
				185	99	0.1900	
					86		
				1	86	0.1800	
				चकरोड	72	0.0060	
				231	72	0.0864	
				294	72	0.1296	
					73		
				योग	26	—	3.0893 हेक्टेअर
					या	7.630	एकड़
					या	12-4-3	बीघा

[संख्या एल.-14016/3/94 जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1273.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP—GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Pargana	Village	Chak No.	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7	8
Buland Shahar	Sikandrabad	Dankaur	Salempur Gujar	486	118	0.022	
				319	118	0.0228	
				411	118	0.0232	
				86	118	0.0192	
				384	115	0.2680	
				Chakroad	115	0.0060	
				64	114	0.0900	
					115		
					120		
				91	114	0.1080	
					120		
				366	102	0.3500	
					112		
					113		
					114		
				Chakroad	102	0.0060	
				356	102	0.2800	
				514	102	0.2580	
				Chakroad	96	0.0060	
					102		
				514	05	0.0480	
				G.S. Land	95	0.0800	
					96		
				31	95	0.1276	
					96		
				477	96	0.1636	
				262	96	0.1200	
					99		
				511	96	0.2275	
					99		
				Chakroad	99	0.0060	
				289	99	0.2650	
					86		
				185	99	0.1900	
					86		
				1	86	0.1800	
				Chakroad	72	0.0060	
				231	72	0.0864	
				294	72	0.1296	
					73		
TOTAL				26	—	3.0893	Hectare

OR 7.630 Acres

OR 12-04-03 Bigha

[No. L-14016/3/94 G.P.]

Ardhendu Sen, Director



नई दिल्ली, 18 मई, 1994

का. आ. 1274:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य से पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच.बी. जे. अप ग्रेडेशन गैस पाइप लाइन जारी की जाये और यह पाइप लाइन गैस अथॉरिटी आफ इण्डिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी आफ इण्डिया लि., एच. बी. जे. अप ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट पी. डी. आई. एल. बिल्डिंग, ए-14 सेक्टर-1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि यह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद अनुसूची

एच. बी. जे. अप ग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	चक सं.	गाटासं.	अर्जितक्षेत्र हेक्टेयरमें
1	2	3	4	5	6	7
बुलन्दशहर	सिकन्दराबाद	वनकोर	जगतपुर अफजसपुर	—	1104	0.0640
				598	1102	0.1560
					1103	
					1104	
				661	1102	0.1002
				—	1101	0.4450
					1102	
				747	1101	0.0543
				78	1098	0.4680
					1099	
				—	1109	0.4720
				296	917	0.1610
				174	915	0.1080
					916	
				410	914	0.1920
					915	
				—	913	0.0240
				529	905	0.2820
					911	
				—	905	0.0060
				530	906	0.2820
					909	
				—	891	0.0160
योग				15	—	2.8305
				या	6.991	एकड़
				या	11-03-14	बीघा

[संख्या एल.-14016 /3 /94 जी. पी.]

अर्धेन्दु सैन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1274.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SHEDULE

## H.B.J. UP—GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Chak No.	Plot No	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7	8
Buland Shahr	Sikandrabad	Dankeur	Jaganpur Afzalpur	—	1104	0.0640	
				598	1102	0.1560	
					1103		
					1104		
				661	1102	0.0002	
				—	1101	0.4450	
					1102		
				747	1101	0.0543	
				78	1098	0.4680	
					1099		
				—	1109	0.4720	
				296	917	0.1610	
				174	915	0.1080	
					916		
				410	914	0.1920	
					915		
				—	913	0.0240	
				529	905	0.2820	
					911		
				—	905	0.0060	
				530	906	0.2820	
					909		
				—	891	0.0160	
TOTAL				15	—	2.8305	Hectare
						OR 6.991	Acres
						OR 11-03-14	Bigha

[No. L-14016/3/94 G.P.]

Ardhendu Sen, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1275.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी आफ इन्डिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उम कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रूख रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी आफ इन्डिया लि. एच. बी. जे. अप ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट पी. डी. आर्ट. एल. बिल्डिंग ए-14 सेक्टर-1, नॉएडा गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि यह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

बाद अनुसूची

एच. बी. जे. अपग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा संख्या	अर्जित क्षेत्र बीघा एकड़ हेक्टर.	अन्य विवरण
1	2	3	4	5	6	7
बुलन्दशहर	सिफन्द्राबाद	दनकौर	लड़पुरा	604	0.0560	
				546	0.0680	
				550	0.0880	
				549	0.0496	
				548	0.0904	
				543	0.1000	
				527	0.1460	
				528	0.1800	
				531	0.0640	
				530	0.0080	
				529	0.1630	
				525	0.0080	
				524	0.0880	
				523	0.0060	
				520	0.2360	
				519	0.0260	
				518	0.0192	
				488	0.0060	
				419	0.0760	
				435	0.0580	
				420	0.1980	
				421	0.1190	
				427	0.1610	
				429	0.0198	
				430	0.0030	
				428	0.0420	
				410	0.0590	
				409	0.0680	
				408	0.0210	
				407	0.0340	
				348	0.1280	
				349	0.0616	
				134	0.0520	
				352	0.0810	
				357	0.1280	
				358	0.1580	
				359	0.1280	

1	2	3	4	5	6	7
बुलंद शहर	सिकन्दराबाद	दानकौर	लाडपुरा	123	0.1240	
				131	0.0520	
				124	0.0200	
				129	0.1920	
				125	0.2050	
				128	0.0240	
				126	0.0216	
				127	0.1544	
				83	0.0360	
				93	0.1300	
सम्पूर्णयोग				47	3.9566	हेक्टेयर
				या	9.773	एकड़
				या	15-12-14	बीघा

[सं एल 14016/3/94-जीपो]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1275.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral

Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7
Buland Shahr	Sikandrabad	Dankour	Ladpura	604	0.0560	
				546	0.0680	
				550	0.0880	
				549	0.0496	
				548	0.0904	
				543	0.1000	
				527	0.1460	
				528	0.1800	
				531	0.0640	
				530	0.0080	
				529	0.1630	
				525	0.0080	
				524	0.0880	
				523	0.0060	
				520	0.2360	
				519	0.0260	
				518	0.0192	
				488	0.0060	
				419	0.0760	
				435	0.0580	
				420	0.1980	
				421	0.1190	

1	2	3	4	5	6	7
Bulandshar	Sikandrabad	Dhankaur	Ladpura	427	0.1610	
				429	0.0198	
				430	0.0030	
				428	0.0420	
				410	0.0590	
				409	0.0680	
				408	0.0210	
				407	0.0340	
				348	0.1280	
				349	0.0616	
				134	0.0520	
				352	0.0810	
				357	0.1280	
				358	0.1580	
				359	0.1280	
				123	0.1240	
				131	0.0520	
				124	0.0200	
				129	0.1920	
				125	0.2050	
				128	0.0240	
				126	0.0216	
				127	0.1544	
				83	0.0360	
				93	0.1300	
TOTAL				47	3.9566 Hectare	
				OR	9.773 Acres	
				OR	15-12-14 Bigha	

[No. L-14016/3/94 GP]  
ARDHENDU SEN, Director

तई दिल्ली, 18 मई, 1994

का. ग्रा. 1276.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी आफ इण्डिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

दशतें कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति मध्यम प्राधिकारी, गैस अथॉरिटी आफ इण्डिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट पी. डी. आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

बाद अनुसूची

एच. बी. जे. अप-ग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	चक्र सं.	गाटा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7	8
बुलन्दशहर	सिकन्दराबाद	दनकोर	दनकोर	—	8/6	0.0260	
				नाली	8/5	0.0500	

1	2	3	4	5	6	7
बुलन्दशहर (जारी)	सिकन्दराबाद	दन्कोर	—	8/3	0.1820	
			1318	8/3	0.1780	
			नाली	8/3	0.0060	
			1239	7/1	0.2620	
				5/3		
			नाली	5/3	0.0030	
			चकरोड	5/3	0.0060	
			440	4	0.2110	
				5/3		
			378	4	0.0150	
				5/3		
			1237	3	0.3280	
				4		
				39/3		
			396	39/2	0.5060	
				39/3		
			415	39/2	0.3420	
				39/7		
			चकरोड	39/2	0.0060	
			योग	14	—	2.1210 हेक्टेयर
				या	5.238	एकड़
				या	08-08-12	बीघा

[सं० 14016/3/94-जी.पी.]

अध्याक्ष सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1276.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. UP-Gradation Gas Pipe line in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section (3) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the

Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., UP-Gradation Pipe line Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U. P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragana	Village	Chak No.	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7	8
Buland Shahr	Sikandrabad	Dankaur	Dankaur	—	8/6	0.0260	
				Nali	8/5	0.0500	
				—	8/3	0.1820	
				1318	8/3	0.1780	
				Nali	8/3	0.0060	
				1239	7/1	0.2620	
					5/3		
				Nali	5/3	0.0030	
				Chak Road	5/3	0.0060	
				440	4	0.2110	
					5/3		

1	2	3	4	5	6	7
Bulandshahr	Sikandrabad	Dankaur	Dankaur	378	4	0.0150
				1237	5/3	
					3	0.3280
					4	
				396	39/3	
					39/2	0.5060
				415	39/3	
					39/2	0.3420
					39/7	
				Chakroad	39/2	0.0060
TOTAL				14	—	2.1210 Hectare
					OR	5.238 Acres
					OR	08-08-12 Bigha

[No. 14016/3/94-G. P.]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1277.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच.बी. जे. अप-ड्रैजेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी ऑफ इण्डिया लि. द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962) (1962 का 50) के खण्ड-3 के उपखण्ड—(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी ऑफ इण्डिया लि., एच.बी. जे. अप-ड्रैजेशन गैस पाइप लाइन प्रोजेक्ट, पी. डी. आई. एल. बिल्डिंग, ए—14, सेंक्टर—1, नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद अनुसूची

एच. बी. जे. अप-ड्रैजेशन गैस पाइप लाइन परियोजना

जिला	तहसील	परगना	मौजा	गाटा सं.	अर्जित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
बुलन्दशहर	सिकन्दराबाद	दनकौर	गुनपुरा	326	0.0140	
				324	0.586	
				323	0.330	
				322	0.0480	
				320	0.3180	
				318	0.0080	
				317	0.1720	
				316	0.2740	

1	2	3	4	5	6	7
बृलन्दगह	मिळन्दरावाद	दनकोर	मुनपुरा	315	0.0100	
				10	0.1620	
				39	0.0810	
				46	0.2400	
				42	0.2400	
				260	0.2620	
				252	0.2920	
				253	0.1020	
				254	0.1080	
				255	0.1440	
				152	0.0360	
				150	0.0144	
				149	0.2800	
				153	0.2080	
				158	0.0036	
				154	0.0036	
				157	0.2128	
				173	0.0144	
				156	0.0036	
				185	0.1466	
				174	0.0040	
				184	0.1120	
				183	0.1120	
				181	0.0144	
				187	0.1220	
				नई रोड	0.0300	
				188	0.0920	
				197	0.0080	
				196	0.0960	
				195	0.2910	
				192	0.0192	
				203	0.0480	
				204	0.2904	
				205	0.2900	
				206	0.0120	
				210	0.0060	
				211	0.0048	
गम्पूर्ण योग				45	5.0814	हेक्टेअर
				या	12.551	एकड़
				या	20-01-12	बीघा

[संख्या एल 14016/3/94 जी. पी.]

अर्धेन्दु सेन, निदेशक



New Delhi, the 18th May, 1994

S.O. 1277.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government

hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Up-Gradation Pipeline Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U. P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragana	Village	Plot No.	Acquired Area in Hectare	Remark
1	2	3	4	5	6	7
Bulandshahar	Sikandrabad	Dankaur	Gunpura	326	0.0140	
				324	0.0586	
				323	0.0330	
				322	0.0480	
				320	0.3180	
				318	0.0080	
				317	0.1720	
				316	0.2740	
				315	0.0100	
				40	0.1620	
				39	0.0810	
				46	0.2400	
				42	0.2400	
				260	0.2620	
				252	0.2920	
				253	0.1020	
				254	0.1080	
				255	0.1440	
				152	0.0360	
				150	0.0144	
				149	0.2800	
				153	0.2080	
				158	0.0036	
				154	0.0036	
				157	0.2128	
				173	0.0144	
				156	0.0036	
				185	0.1466	
				174	0.0040	
				184	0.1120	
				183	0.1120	
				181	0.0144	
				187	0.1220	
				New Road	0.0300	
				188	0.0920	
				197	0.0080	
				196	0.0960	
				195	0.2910	
				192	0.0192	
				203	0.0480	
				204	0.2904	
				205	0.2900	
				206	0.0120	
				210	0.0060	
				211	0.0048	
G. TOTAL				45	5.0814	Hectare
				OR	12.551	*Acres
				OR	20-01-12	Bigha

[No. L-14016/3/94-G. P.]

ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. प्रा. 1278 .—प्रबिकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हिा में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच.बी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी ऑफ इण्डिया लि. द्वारा बिछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962) (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रूचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी ऑफ इण्डिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी. डी. आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

#### वाद अनुसूची

#### एच. बी. जे अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा सं.	अर्जित क्षेत्र. हेक्टेअर में	अन्य विवरण
1	2	3	4	5	6	7
मथुरा	छाता	छाता	गुजावली	89	0.5860	
				90ब	0.4190	
				88	0.1830	
				86	0.3860	
				82	0.2680	
				83	0.1080	
				76	0.0080	
				69अ	0.1470	
				70	0.3920	
				71	0.0900	
				72	0.6880	
				73	0.0080	
				2	0.2940	
				1	0.4180	
				सम्पूर्ण योग	14	3.9930
						हेक्टेअर
				या	9.862	एकड़
				या	15-15-12	बीवा

[संख्या एल14016/3/94 जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1278.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. UP-Gradation Gas Pipeline in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section (3) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 ((50 of 1962), the Central Government

hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Up-Gradation Pipeline Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U. P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Pargana	Village	Plot No.	Acquired area in Hectare	Remark
1	2	3	4	5	6	7
Mathura	Chhata	Chhata	Sujaoli	89	0.5860	
				90B	0.4190	
				88	0.1830	
				86	0.3860	
				82	0.2680	
				83	0.1080	
				76	0.0080	
				69B	0.1470	
				70	0.3920	
				71	0.0900	
				72	0.6880	
				73	0.0080	
				2	0.2940	
				1	0.4180	
G. TOTAL				14	3.9930 Hectare	
				OR	9.862 Acres	
				OR	15-15-12 Bigha	

[No. L-14016/3/94-G.P.]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1279 :—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी ऑफ इण्डिया लि. द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम), 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्शों कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी. डी. आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## बाव अनुसूची

एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा स. हेक्टेअर में	अर्जित क्षेत्र.	अन्य विवरण
1	2	3	4	5	6	7
बुलन्दशहर	सिकन्दराबाद	दतकौर	मुस्तकाबाद	19	0.1980	
			योग	1	0.1980	हेक्टेअर
				या	0.488	एकड़
				या	00.15-12	बीघा

[संख्या एल-14016/3/94 जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1279.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section (3) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 ((50 of 1962), the Central Government

hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Up-Gradation Pipe line Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U. P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragana	Village	Plot No.	Acquired Area in Hectare	Remark
1	2	3	4	5	6	7
Buland Shahr	Sikandrabad	Dankaur	Mustaqabad	19	0.1980	
			TOTAL	1	0.1980	Hectare
				OR	0.488 Acres	
				OR	00-15-12 Bigha	

[No. I-14016/3/94-G. P.]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1280 —नबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी ऑफ इण्डिया लि. द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वशतः कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन विछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी ऑफ इण्डिया लि., एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी. डी. आर्टि. एल. बिल्डिंग, ए-11-सेक्टर-1 नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

#### बाद अनुसूची

#### एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	सौजा	चक सं.	गाटा सं.	अर्जित क्षेत्र, हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7	8
बुधनपुर	सिकन्दराबाद	दनकौर	अट्टागुजरान	—	845	0.0600	
				102	871	0.1440	
					869		
				105	869	0.4820	
					870		
					866		
					861		
				—	861	0.0060	
				35	861	0.3980	
					860		
					859		
					868		
				262	868	0.4050	
					854		
					853		
					863		
				261	852	0.3000	
					853		
				158	852	0.1620	
				65	843	0.4340	
					842		
					852		
	842	0.0060					
सम्पूर्ण योग				10	--	2.3970	हेक्टेयर
				या	5.920		एकड़
				या	09-09-08		बीघा

[संख्या एल 14016/3/94 जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1280.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. UP-Gradation Gas Pipe line in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section (3) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 ((50 of 1962), the Central Government

hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Up-Gradation Pipe line Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Pargana	Village	Chak No.	Plot No.	Acquired Area in Hectare	Remarks
1	2	3	4	5	6	7	8
Buland Shahe	Sikandrabad	Dankaur	Atta Gujran	—	845	0.0600	
				102	871	0.1440	
					869		
				105	869	0.4820	
					870		
					866		
					861		
				—	861	0.0060	
				35	861	0.3980	
					860		
					859		
					868		
				262	868	0.4050	
					854		
					853		
					863		
				261	852	0.3000	
					853		
				158	852	0.1620	
				65	843	0.4340	
					842		
					852		
				—	842	0.0060	
G. TOTAL				10	—	2.3970	Hectare
					OR	5.920	Acres
					OR	09-09-08	Bigha

[No. L-14016/3/94-G. P.]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1281.—अबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप-ग्रेडेशन पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी आफ इंडिया लि. द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः, पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखंड—(i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बनते कि उक्त भूमि में अपनी सचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाईप लाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अधारिटी आफ इंडिया लि., एच बी जे अप- ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी डी आई एल बिल्डिंग, ए- 14, सेक्टर- 1, नोएडा गाजियाबाद (उ. प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद अनुसूची

एच. बी. जे. अप ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा सं.	अजित क्षेत्र हेक्टेअर में	अन्य विवरण
1	2	3	4	5	6	7
बुलन्दशहर	मिकन्दराबाद	दनकौर	दादूपुर दनकौर	267	0.0120	
				265	0.1800	
				263	0.2050	
				261	0.0030	
				260	0.0060	
				354	0.1560	
				355	0.0150	
				352	0.0850	
				351	0.0680	
				356	0.0080	
				349	0.3300	
				347	0.0060	
				346	0.0030	
				344	0.0300	
				345	0.2090	
				342	0.0180	
				341	0.0060	
				249	0.1800	
				247	0.0630	
				248	0.0210	
				246	0.0066	
				244	0.0730	
				245	0.0210	
				243	0.0480	
				242	0.1180	
				230	0.0060	
			दादूपुर दनकौर	229	0.0030	
				228	0.1640	
				227	0.1600	
				226	0.0970	
				251	0.0340	
				225	0.0600	
				181	0.0060	
				219	0.0460	

1	2	3	4	5	6	7
बुलन्दशहर	सिकन्द्राबाद	दतकौर	दादपुर दतकौर	207	0.0550	
				181	0.0540	
				182	0.4500	
				183	0.0180	
				184	0.0240	
				185	0.0900	
				186	0.1400	
				187	0.0030	
				188	0.0784	
				189	0.0396	
				190	0.1080	
				99	0.0060	
				38	0.1002	
				37	0.0584	
				36	0.0128	
				29	0.2860	
				35	0.0960	
				34	0.0940	
				33	0.0960	
				32	0.0920	
				31	0.1210	
				40	0.0110	
				28	0.0240	
				41	0.3920	
सम्पूर्ण योग				58	4.9944	हेक्टेअर
				या	12.335	एकड़
				बा	19-14-14	बीघा

[संख्या एल-14016/3/94 जी. पी.]

अर्घेन्दु सेत, निदेशक

New Delhi, the 18th May, 1994

S.O. 1281.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipeline in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, it exercise of the powers conferred by sub-section (1) of Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of

1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd., Up-Gradation Pipeline Project, P.D.I.L. Bulding, A-14, Sector-I, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.



## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragana	Village	Plot No.	Acquired area in Hectare	Remark
1	2	3	4	5	6	7
Bulandshaher	Sikandrabad	Dankaur	Dadupur Dankaur	267	0.0120	
				265	0.1800	
				263	0.2050	
				261	0.0030	
				260	0.0060	
				354	0.1560	
				355	0.0150	
				352	0.0850	
				351	0.0680	
				356	0.0080	
				349	0.3300	
				347	0.0060	
				346	0.0030	
				344	0.0300	
				345	0.2090	
				342	0.0180	
				341	0.0060	
				249	0.1800	
				247	0.0630	
				248	0.0210	
				246	0.0060	
				244	0.0730	
				245	0.0210	
				243	0.0480	
				242	0.1180	
				230	0.0060	
				229	0.0030	
				228	0.1640	
				227	0.1600	
				226	0.0970	
				251	0.0340	
				225	0.0600	
				181	0.0060	
				219	0.0460	
				207	0.0550	
				181	0.0540	
				182	0.4500	
				183	0.0180	
				184	0.0240	
				185	0.0900	
				186	0.1400	
				187	0.0030	
				188	0.0784	
				189	0.0396	
				190	0.1080	
				99	0.0060	
				38	0.1002	
				37	0.0584	
				36	0.0128	
				29	0.2860	
				35	0.0960	
				34	0.0940	
				33	0.0960	
				32	0.0920	
				31	0.1210	

4	5	6	7
Dadupur	40	0.0110	
Dankaur	28	0.0240	
	41	0.3920	
<b>G. TOTAL</b>	<b>58</b>	<b>4.9944 Hectare</b>	
	<b>OR</b>	<b>12.335 Acres</b>	
	<b>OR</b>	<b>17-14-14 Bigha</b>	

[No. 014016/3/94-G. P.]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. भा. 1282:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी आफ इंडिया लि. द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी छवि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति मक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लि., एच बी जे अप ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी डी आई एल बिल्डिंग, ए - 14, सेक्टर - 1, नोएडा, गाजियाबाद (उ. प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाच अनुसूची

एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा सं.	अजित क्षेत्र. हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
बुलन्दशहर	सिकन्दराबाद	दनकौर	औरंगापुर	678	0.2660	
				668	0.5960	
				663	0.3860	
				701	0.0280	
				700	0.0140	
				672	0.0160	
				698	0.7020	
				697	0.0150	
				708	0.0060	
				707	0.0030	
				704	0.4600	
				702	0.0060	
				690	0.1900	
				691	0.0380	
				692	0.0520	

1	2	3	4	5	6
बुलन्दशहर	मिकन्दाबाद	दन्कौर	औरंगपुर	699	0.1880
				471	0.6410
				474	0.0060
				473	0.0030
				486	0.2016
				485	0.4940
				489	0.0030
				490	0.0060
				491	0.2980
				460	0.1530
सम्पूर्ण योग				25	4.7716 हेक्टेयर
				या	11.785 एकड़
				या	18-17-03 बीघा

[संख्या एल- 14016/3/94 - डी पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1262.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipe line in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of

1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Up-Gradation Pipe line Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad, U. P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

[No. 014016/3/94-G. P.]

ARDHENDU SEN, Director

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Plot No.	Acquired Area in Hectare	Remark
1	2	3	4	5	6	7
Bulandshahor	Sikandrabad	Dankaur	Aurangpur	678	0.2660	
				668	0.5960	
				663	0.3860	
				701	0.0280	
				700	0.0140	
				672	0.0160	
				698	0.7020	
				699	0.0150	
				708	0.0060	
				707	0.0030	
				704	0.4600	
				702	0.0060	
				690	0.1900	
				691	0.0380	
				692	0.0520	
				699	0.1880	
				471	0.6410	

1	2	3	4	5	6	7
				474	0.0060	
				473	0.0030	
				486	0.2016	
				485	0.4940	
				489	0.0030	
				490	0.0060	
				491	0.2980	
				460	0.1530	
G. TOTAL				25	4.7716 Hectare	
				OR	11.785 Acres	
				OR	18-17-03 Bigha	

[No. L. 14016/3/GP]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. आ. 1283—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच बी जे अप-प्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी आफ इंडिया लि. द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न बिधरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड-3 के उपखण्ड - (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्शते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लि. एच बी जे अप-प्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी डी आई एल बिस्मिंग, ए-14, सेंक्टर-1, तोण्डा, गाजियाबाद (उ. प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाच अनुसूची

एच. वी. जे. अप-प्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा सं.	अजित क्षेत्र हेक्टेयर में	अन्य विवरण
1	2	3	4	5	6	7
मथुरा	छाटा	छाटा	कौकैरा	114	0.0300	
				79	0.1320	
				80	0.5880	
				81	0.2220	
				77	0.0060	
				45	0.2260	
				44	0.0180	
				46	0.2480	
				42	0.0080	
				48	0.0400	
				33	0.0420	
				32	0.1500	
				31	0.0350	

1	2	3	4	5	6	7
				35	0.1880	
				36	0.2200	
				29	0.0090	
				20	0.6540	
				19	0.2160	
				22	0.0150	
सम्पूर्ण योग				19	3.0470	हेक्टे.
				या	7.526	एकड़
				या	12-00-16	बीघा

[संख्या एल-14016/3/94 - जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1283.-Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipe line in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of

1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Up-Gradation Pipe line Project, P.D.I.L. Building, A-14, Sector-I, Noida, Ghaziabad. U. P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

[No. L-14016/3/94- G.P.]

ARDHENDU SEN, Director

## CASE SCHEDULE

## H.B.J. UP-GRADATION GAS PIPE LINE PROJECT

Distt.	Tehsil	Paragna	Village	Plot No.	Acquired in Hectare	Remarks
1	2		4	5	6	7
Mathura	Chhata	Chhata	Kaunkera	114	0.0300	
				79	0.1320	
				80	0.5880	
				81	0.2220	
				77	0.0060	
				45	0.2260	
				44	0.0180	
				46	0.2480	
				42	0.0080	
				48	0.0400	
				33	0.0420	
				32	0.1500	
				31	0.0350	
				35	0.1880	
				36	0.2200	
				29	0.0090	
				20	0.6540	
				19	0.2160	
				22	0.0150	
G. TOTAL				19	3.0470 Hectare	
				OR	7.526 Acres	
				OR	12-00-16 Bigha	

नई दिल्ली, 18 मई, 1994

का. आ. 1284—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मरैक्कानचावाडि—कोन्तारि शुगर्स पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये उसके साथ सम्बन्धित विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

यशर्त कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमिटेड कावेरी त्रेसिन नीला मेलवडम पोषिक मंडक, नागप्पट्टिणम नाग कायितेमिल्लत जिला तमिलनाडू-611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत व्यक्त करना चाहता है।

## अनुसूची

मरैक्कानचावाडि—कोन्तारि शुगर्स 6 केमिकलस गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	हेक्टे.	क्षेत्रफल एकड़ में	विवरण
पान्दिचेरि	कागैक्काल	35—पोलगम	144.6	0.05.0	0.12	
			156.1	0.12.5	0.31	
			160.1	0.17.5	0.42	
			143.1	0.06.0	0.15	
			143.3	0.06.5	0.16	
			143.4	0.00.5	0.01	

[संख्या एल—14016/7/93—जीपी]

अर्थेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1284.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Maraikkanchavadi Tap off—Kothari Sugars & Chemicals Ltd., Polagam village in Pondicherry State should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and

Minerals pipeline (Acquisition of Right of user in the land) Act 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority. Gas Authority of India Ltd., Gauvery Project Nagapattinam-611 001.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

## MARAIKANCHAVADI- KOTHARI SUGARS &amp; CHEMICALS PIPE LINE PROJECT

State	District	Taluk	Village no & Name	Survey Nos.	Area		Remarks
					In Hec cent	In Acre	
Pondicherry	Pondicherry	Karaikal	35 Polagam	144.6	0.05.0	0.12	
				156.1	0.12.5	0.31	
				160.1	0.17.5	0.42	
				143.1	0.06.0	0.15	
				143.3	0.06.5	0.16	
				143.4	0.005	0.01	

[No. L-14016/7183 G.P.]  
ARDHENDU SEN, Director

नई दिल्ली, 18 मई, 1994

का. प्रा. 1285—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए भुवनगिरि बेलर 2 से मुमंगला स्टील भुवनगिरि तक पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ मंलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिमूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमिटेड, कावेरी बेसिन, नीला मेनबडम पोक्कि सड़क, नागप्पाट्टिणम नागै कायितेमिल्लत जिला तमिलनाडू 611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत व्यक्त करना चाहता है।

अनुसूची

भुवनगिरि बेल 2 से मुमंगला स्टील भुवनगिरि तक

जनपद	तहसील	तालुक	ग्राम और नाम	सर्वे नं.	क्षेत्रफल		विवरण
					हेक्टे. में	एकड़ में	
1	2	3	4	5	6	7	8
तमिलनाडू	चीलम्बरम	साउथअरकाट	37-बी आधिवरागनाथम	131/1	0.04.0	0.10	
				131/2	0.07.5	0.18	
				131/4	0.05.0	0.12	
				132/2	0.50.5	0.23	
				132/5ए	0.07.5	0.18	
				132/6ए	0.00.5	0.01	
				120/2	0.06.0	0.15	
				120/3	0.08.5	0.21	
					0.48.5		

[संख्या एल-14016/4/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 18th May, 1994

S.O. 1285.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Bhuvanagiri Well No. 2 to M/s. Sumangala Steel, Bhuvanagiri, 37-B, Adhivaraganatham village in South Arcot District, Tamil Nadu State pipe line should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum and

Minerals pipeline (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611 001.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

##### BHUVANAGIRI WELL NO. 2 TO M/S SUMANGALA STEEL BHUVANAGIRI

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hec. tares	In Acre cent	
Tamil Nadu	South Arcot	Chidambaram	37-B Adhivaraganatham	131/1	0.04.0	0.10	
				131/2	0.07.5	0.18	
				131/4	0.05.0	0.12	
				132/2	0.09.5	0.23	
				132/5A	0.07.5	0.18	
				132/6A	0.00.5	0.01	
				120/2	0.06.0	0.15	
				120/3	0.08.5	0.21	
					0.48.5		

नई दिल्ली, 2 मई, 1994

का.प्र. 1286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आंध्रा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-4-94 को प्राप्त हुआ था।

[संख्या एल-12012/70/91-आई आर (बी-2)]  
वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 2nd May, 1994

S.O. 1286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 29-4-94.

[No. I-12012/70/91-IR(B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

#### PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I,  
Dated : 30th day of March, 1994  
Industrial Dispute No. 42 of 1991

[No. I-14016/4/94-G.P.]

ARDHENDU SEN, Director

#### BETWEEN :

The Deputy General Secretary,  
Andhra Bank Workers Union, Seetharampura,  
Branch, Vijayawada-520 004. .. Petitioner.

#### AND

General Manager, Andhra Bank,  
Central Office, Sultan Bazar,  
Hyderabad-500 093. .. Respondent.

#### APPEARANCES :

Sri B. Amarnath Reddy, Advocate—for the Petitioner.  
M/s. K. Srinivasa Murthy, G. Sudha, Honorary Secretaries  
of Federation of A. P. Chambers of Commerce and  
Industry—for the Respondent Bank.

#### AWARD

The Government of India, Ministry of Labour by its Order No. I-12012/70/91-IRD II dt. 31-7-1991 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Andhra Bank and their workmen to this Tribunal for adjudication :—

"Whether the action of the Management of Andhra Bank Regional Office, Vijayawada-I in reverting Sri Jhananda Rao from post of Joint Custodian Shroff with special allowance, at Hanuman Junction Branch without communicating specific reasons with effect from 10-8-1987 is justified? If not, to what relief the workman entitled?"

This reference was registered as Industrial Dispute No. 42 of 1991 and notices were issued to both the parties.

2. The brief averments of the claims statement filed by the Petitioner-Union read as follows : On 19-3-1981 the Management entered into a settlement during conciliation proceedings as provided under Section 12(3) of I.D. Act specifying the procedure to be adopted for entrustment of special



allowance duties to Clerical/Subordinate cadre and the same settlement is in force till date. On 19-10-1966 an All India Industrial Bipartite Settlement was entered into by the Indian Banks Association and the Trade Unions with regard to special allowance duties to Clerical/Subordinate cadre and the same settlement is in force till date. In accordance with the above settlements, the Andhra Bank Regional Authorities, Vijayawada announced the "Joint Custodial Shroff" vacancy at Hanuman Junction Branch due to the promotion of the cashier as officer. According to our internal agreement on special allowance, Mr. Jhananda Rao is the senior most employee out of the options given for the post in that Unit, at that time and he was entrusted with 'Joint Custodian Shroff' duties which carried special allowance vide Vijayawada Regional Office Lr. dt. 25-6-1987. As Mr. Jhananda Rao is a senior Clerk in the Branch, even before the allotment as Joint Custodian Shroff he performed the duties of the special allowance and he continued to perform the duties of shroff as per the Regional Office letter. He had drawn the special allowance for the duties entrusted to him and the certificate to that extent from Hanuman Junction Branch. Subsequently the special allowance duties entrusted and amount of allowance given to Mr. Jhananda Rao was unilaterally withdrawn without saying any reason on 10-8-1987 by Regional Office of Vijayawada, vide letter dt. 10-8-87. In this connection attention is drawn to the following provisions of Bipartite Settlement :

(A) Para 5.9 of Bipartite Settlement dt. 19-10-1966 "A workman will be entitled to a special allowance only so long as he is in charge of such work or the performance of such duties which attract such allowance. Whether a workman can be asked to cease to do such work or discharge such duties and consequently cease to draw such allowance, will depend upon the terms of his employment. First instance, a workman who is employed permanently as Head Clerk or Stenographer can not be deprived of his special allowance by asking him not to work as a Head Clerk or Stenographer. If, however, a receipt of a special allowance wants to give up the work or duties which entitle him to the special allowance, he shall, if his request is granted cease to draw the special allowance". In view of the above, once an employee is appointed in a special allowance post paying the allowance on permanent/regular basis the same cannot be withdrawn unilaterally by the Management until and unless the employee voluntarily gives up. Once an employee is appointed in a special allowance post paying the allowance on permanent/regular basis the same can be withdrawn by the Management only under two circumstances i.e.

(i) Where the employee drawing special allowance makes a representation or his relief from such duties and his request is considered.

(ii) where a charge sheet served on an employee for gross misconduct and a domestic enquiry held and the management decided to award punishment of withdrawal of the special allowance. The act of the management in withdrawing the special allowance unilaterally without giving any notice is arbitrary and violative of the provisions of Industrial Disputes Act. Section 9(A) of the I.D. Act makes it mandatory on the part of the management to give notice of at least 21 days before effecting any change in the conditions of service of workmen. The Management has not issued any notice as mandatory under the Act, before withdrawing the special allowance. Hence the act of the Management is illegal and void. Hence request to prevail upon the management of Andhra Bank to :

(a) restore special allowance post and allowance to Mr. Jhananda Rao who was appointed as Joint Custodian Shroff and whose special allowance has been withdrawn by the Management with retrospective effect from the date of withdrawal i.e. 10-8-1987 (b) provide the amount spent by the employee and Union representatives to attend before Asst. Labour Commissioner (Central) Vijayawada and Industrial Tribunal, Hyderabad for the proceedings of the case (c) Advise the Management to consider these leaves as special leave.

3. The brief facts of the counter filed by the Respondent read as follows : The service conditions are regulated by the Awards/Settlements. Whenever the employees are entrusted with additional responsibilities apart from what they

are discharging in normal course, certain additional amount is paid as special allowance. The Special Allowance duties, quantum of special allowance etc. are discussed during the B. P. Settlements and thus it forms part of the wage settlement entered into from time to time. The Respondent has entered into a settlement with Andhra Bank Employees' Union 19-3-91 stipulating the modalities for filling up the special allowance posts as such Joint Custodian Cashier, Daftary etc. In terms of the settlement, optional letters are to be called for from the eligible employees within the unit and the seniormost among the candidates who has opted shall be designated and given posting for such special allowance post. Thus the senior most from among the candidates who have applied shall be posted to fill up the vacancy and he shall be paid the special allowance as applicable to the post. Thus at Hanuman Junction, Vijayawada, Regional one vacancy of Joint Custodian and Cashier carrying special allowance of rupees arose during June 1987. For filling the said vacancy, optional letters were called for vide Regional Manager, Vijayawada letter dt. 4-6-87. The Petitioner was sanctioned LFC from 8-6-87 to 20-6-87 to go to Kashmir. The last date for submission of optional letter was stipulated as 20-6-1987. The petitioner had submitted his optional letter for the special allowance post for Joint Custodian Cashier at Hanuman Junction branch on 22-6-1987 as against the late date notified i.e. 20-6-87. Later the Andhra Bank Employees Union disputed the appointment of Mr. Jhananda Rao to the vacancy of Joint Custodian cashier at Hanuman Junction Branch on the ground that the application submitted by the Petitioner which is belated cannot be considered and the opportunity should be given to only senior most among the candidates within the stipulated date. On the face of the record, the petitioner's application is belated which cannot be considered in the normal course which is resulted in bank withdrawing the orders vide letter dt. 10-3-1987 issued to the petitioner and appointed another candidate who is otherwise eligible. The administrative procedure adopted is not contrary to any of the agreement/settlements entered into. There is no practice in the Bank to communicate to the employee when he is on leave if special allowance post is notified. It is submitted that the Regional Manager, Vijayawada committed a mistake by considering the case of the petitioner even though his application was submitted on the expiry of the stipulated date and the Regional Manager subsequently rectified the mistake. Para 5.9 of the Settlement dt. 19-10-1966 is not dealing with the cases where applications in response to be Notification issued/submitted after the stipulated date and as such para 5.9 is not applicable to the petitioner's case. With regard to 5(b) it is not applicable to this case as withdrawal order was not passed as a measure of punishment but the said order was passed as a measure of rectification. With reference to para 6, the allegation that the special allowance with drawn unilaterally without giving any notice is arbitrary and violative of the I.D. Act and that section 9(a) notice ought to be given is incorrect. This can not be treated as change in service condition so Section 9(a) is not applicable. In no Award/Settlement/Circular it was mentioned if employee opts for special allowance post very late and submits delayed application form it should be ascertained. In nor administrative procedure if cut off date is given for submission of application it has to be followed. In the petitioner's case cut off date is 20-6-87 and the application was received on 22-6-87. On the face of it, it is delayed once, but Regional Manager gave orders which have been withdrawn. Further the petitioner Union is not entitled to claim costs towards amount spent towards travelling, postage by the union and to attend this Hon'ble Court. Further they are not entitled for leave or special leave for contesting the matter. There are no merits in the petitioner's case. In view of the above, this Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Respondent in reverting Sri Jhananda Rao from post of 'Joint Custodian Shroff' with special allowance is justified ?

5. W.W.1 was examined on behalf of the Petitioner-Union and marked Exs. W-1 to W6. M.W.1 was examined on behalf of the Respondent-Bank and marked Exs. M1 to M3.

6. W.W.1 is A. K. P. Reddy. He deposed in brief that he is the General Secretary of Andhra Bank Workmen's Union i.e. the petitioner. Mr. Jhananda Rao is the member of their Union working at Hanuman Junction Branch, Andhra Bank, Vijayawada. For special allowance there is an agreement

between the management and the Union i.e. March 1981 and all India agreements in the year 1966 and in the year 1979. Exs. W1 to W3 are the xerox copies of the agreements entered into between the Management and the Union in respect of special duty allowances as these xerox copies have been filed along with the claim statement. According to the procedure, Mr. Jhananda Rao was appointed on 25-6-1987 as Joint Custodian Shroff. Ex. W4 is the xerox copy of the appointment order. He has drawn for more than 8 months the Special Allowances of Joint Custodian Shroff. Ex. W5 is the xerox copy of the certificate issued by the Manager, in respect of drawing of special allowance. Before withdrawing the special allowance post and the special allowance the management did not issue any notice and did not follow the rules and regulations provided in the respective settlements in respect of the said post. Mr. Jhananda Rao was not issued any charge sheet before withdrawing the special allowances duty by the Management. No enquiry has been conducted in respect of the same. It was not informed to the Union also by the Management while withdrawing the Joint Custodian Shroff and the special allowances. The withdrawal of special allowance is a matter of punishment for which he did not commit any misconduct Mr. Jhananda Rao has never relinquished the special allowance duty.

7. M.W.1 is M. G. Dharmaraj. In brief he deposed that he knows the facts of this case. With regard to special allowances of Bank employees who are normally called as award staff. A provision has been made in the Sastry Award and also subsequent bi-partite settlement with regard to special allowance Joint Custodian Shroff, Tellers, Data Entry Operators, Daftries etc. are special allowance posts. The workman in dispute Jhananda Rao is working at Hanuman Junction. In Hanuman Junction vacancy arose for special allowance post. On 4-6-1987 bank notified the vacancy on special allowance at Hanuman Junction. On the day of notification Mr. Jhananda was working at Hanuman Junction. By mistake the Regional Manager looked into all the paper. Jhananda being senior without looking into the date of his application, gave the order. But by the order was issued the next senior man who have applied for the post within the time was not considered and the papers were on record. So the next candidate made an application to the Bank stating that he had applied within the time. Because of the said representation the Regional Office was constrained to cancel the order issued to Sri Jhananda. Ex. M2 is the certified xerox copy of the application submitted by Sri Jhananda to the Regional Manager dt. 22-6-1987 that he has gone on leave and joining on that day, and gave the option. In Bi-partite settlement 5.9 of settlement of 19-10-1966 under Clause 5(b) are not applicable to the case of Jhananda. As they have to follow 12.3 settlement under Ex. W3, they have rectified their mistake. There is no intention to declare in any person.

8. In this dispute the case of the Petitioner Union that the Andhra Bank Regional Authorities, Vijayawada announced the 'Joint Custodian Shroff' vacancy at Hanuman Junction Branch due to the promotion of the Cashier as Officer. Sri Jhananda Rao is the senior most employee out of the options given for the post in that Unit, at that time and he was entrusted with 'Joint Custodian Shroff' duties which carried Special Allowance vide their letter dt. 25-6-1987. Sri Jhananda Rao performed the duties of the Special Allowance and he continued to perform the duties of shroff as per the Regional Office letter. It is also seen that he had drawn the special allowance for the duties entrusted to him and he acquired certificate to that effect from Hanuman Junction Branch. On 10-8-1987 the special allowance was withdrawn without giving any reason by the Regional Office of Vijayawada by their letter dt. 10-8-1987. The contention of the Petitioner Union that there are settlements and circulars wherein once an employee is appointed in a special allowance post paying the allowance on permanent/regular basis the same cannot be withdrawn unilaterally by the Respondent-Management until and unless the employee voluntarily gives up. The Petitioner relied upon the Bi-partite Settlement, Para 5.9 of Bi-partite Settlement dt. 19-10-1966 mentions as follows:

"A workman will be entitled to a special allowance only so long as he is in charge of such work or the performance of such duties which attract such allowance. Whether a workman can be asked to cease to do such work or discharge such duties and consequently cease to draw such allowance, will depend upon

the terms of his employment. For instance, a workman who is employed permanently as Head Clerk or Stenographer cannot be deprived of his special allowance by asking him not to work as a Head Clerk or Stenographer. If, however, a recipient of a special allowance wants to give up the work or duties which entitle him to the special allowance, he shall, if his request is granted cease to draw the special allowance."

Here in this case the Management cannot withdraw unilaterally once an employee is appointed in a special allowance post paying the allowance on permanent/regular basis until and unless the employee voluntarily gives up. Sri Jhananda Rao has not give his consent to give up the work or duties which entitles him to the special allowance. Hence there is no merit on behalf of the Respondent-Management. The special allowance post paying the allowance on permanent/regular basis the same can be withdrawn by the Management only where the employee drawing special allowance makes a representation or his relief from such duties and his request is considered. Here in this case, the individual i.e. Sri Jhananda Rao has not made any representation to the Respondent-Management. Hence I find that the act of the Management in withdrawing the special allowance unilaterally without giving any notice is arbitrary and violative of the provisions of the Industrial Disputes Act. As such Section 9(A) of the I.D. Act makes it mandatory on the part of the Management to give notice of atleast 21 days before effecting any change in the conditions of service of workman. The Respondent Management is directed to restore special allowance post and allowance to Sri Jhananda Rao who was appointed as Joint Custodian Shroff and whose special allowance has been withdrawn by the management with retrospective effect from the date of withdrawal i.e. 10-8-1987.

9. In the result, the action of the Management of Andhra Bank Regional Office, Vijayawada-I in reverting Sri Jhananda Rao from the post of 'Joint Custodian Shroff' with special allowance at Hanuman Junction Branch without communicating specific reasons with effect from 10-8-1987 is not justified. The Respondent-Management is directed to restore Special Allowance post and allowance to Sri Jhananda Rao with retrospective effect from the date of withdrawal i.e. 10-8-1987.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 30th day of March, 1994.

V. VENKATACHALAM, Presiding Officer

#### Appendix of Evidence

Witnesses Examined for the Petitioner/Workman :	Witnesses Examined for the Respondent/Management :
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W.W.1 Sri A. K. P. Reddy. M.W.1 M. G. Dharma Raj.

#### Documents marked for the Petitioner

- Ex. W1/24/19-3-81—Xerox copy of the settlement.
- Ex. W2—Xerox copy of the extract of paragraph 5-2-88 of Desai Award.
- Ex. W3—Xerox copy of the extract of Settlement dated 31-10-1979.
- Ex. W4/25-6-87—Xerox copy of the office order No. 684/Stf/3/1813.
- Ex. W5—Xerox copy of drawal of key allowance.
- Ex. W6/10-8-1987—Xerox copy of the Office Order No. 684/Stf/3/2276.

#### Documents marked for the Management :

- Ex. M1—Xerox copy of Sri Jhananda Rao's sanctioned leave application 8-6-87 to 20-6-87.
- Ex. M2—Xerox Certifying copy of the application submitted by Sri Jhananda Rao to Regl. Manager reg. his leave and joining duties.
- Ex. W3—Xerox certified copy forwarding letter by the Sub-Manager to the Regl. Office.

नई दिल्ली, 5 मई 1994

नई दिल्ली, 3 मई 1994

का.प्रा. 1287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिडिकेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-94 को प्राप्त हुआ था।

[संख्या एल-12011/62/91-(आई आर (बी-2))]  
वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 5th May, 1994

S.O. 1287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, CHANDIGARH as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SYNDICATE BANK and their workmen, which was received by the Central Government on 5-5-94.

[No. L-12011/62/91-IR(B-II)]  
V. K. SHARMA, Desk Officer.

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 36/92

A. R. Pathak &amp; Ors. Vs. Syndicate Bank.

For the workmen : Shri Jagir Singh.

For the management : Sh. K. Laxmi Narayan.

## AWARD

Central Govt. vide gazettee notification no. L-12011/62/91-IR. (B.II) dated 1-4-92 issued U/S 10(1)(d) of Industrial Disputes Act 1947 referred the following dispute to This Tribunal for adjudication:

"Whether action of the management of Syndicate Bank claiming that the employees have not earned their salary and emoluments for 13-3-1991 (list of employees as per annexure enclosed) is legally just and valid? If not then to which relief the workmen are entitled to and from which date?"

2. Present case was fixed for filing of affidavit by the workman. However Mr. Jagir Singh Chairman Syndicate Bank employees Union has made a statement that newly elected leadership of the Union wants harmonious relation with the management. The management has agreed to refund the wages of all the staff members after adjusting one day leave in pre-leave/casual leave which ever is available. Therefore, they withdraw the present reference. Mr. K. Laxmi Narayana appearing on behalf of the management has also endorsed the said statement. He has stated that above statement is correct. The said payment under the understanding shall be made within 15 days from today.

In view of the statement made by the respective parties. No dispute award is returned to the Ministry. The management is directed to make the payment as per the understanding stated above.

Chandigarh.  
12-4-1994.

ARVIND KUMAR, Presiding Officer.

का.प्रा. 1288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-94 को प्राप्त हुआ था।

[सं. एल. 22012/27/93 आई आर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on the 28-4-94.

[No. L-22012/27/93-IR(C-II)]  
RAJA LAL, Desk Officer.

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD-  
II AT HYDERABAD

Present : Sri M. Venkata Raju, B.A., LL.B.,  
Chairman.

Dated 11th March, 1994

I. D. No. 4 of 1994 (CENTRAL)

Between :

The President,

Mining Technical Staff Association,

P.O. Ramakrishna Pur,  
Via, Mancherial (S.C. Rly.),

Adilabad Dist. (A.P.)

Petitioner/workmen.

AND

The Chairman and Managing Director,  
M/s. S.C.C. Limited,  
Kothagudem,  
Khammam Dist. (A.P.)

Respondent/Management.

This Industrial Dispute coming for hearing before me on 11-03-1994 upon perusing the reference and other material papers on record and both the parties being called absent this Tribunal passed the following:

## AWARD

This is reference made under Section 10(1)(d) of the I.D. Act, 1947 by the Government of India, New Delhi through its Order No. L-22012/27/93-IR (C.II) dated 07-02-1994 for adjudication of the Industrial Dispute between the Management of Singareni Collieries Company Ltd., Kothagudem and their workmen represented by the President, Mining Technical Staff Association, Ramakrishna Pur setting forth the point for consideration in the Annexure appended thereto as follows:

"Whether the action of the Management in not setting the charter of 34 demands clubbed in the strike notice, dated 16-07-1991 is legal and Justified?

If not, to what relief the workmen are entitled to?"

2. The said reference was registered on 11-02-1994 as Industrial Dispute No. 4 of 1994 (Central) on the file of this Tribunal-II. The notices have been issued to both the parties.

3. The case has been posted from time to time for Appearance & Vakalat. On 25-02-1994 both the parties were called absent despite service of notices and to give one more chance the matter was posted to 01-03-1994 for appearances. On 01-03-1994 the petitioner Union was called absent and Sri K. Srinivasa Murthy, Advocate and his Junior Miss G. Sudta filed Vakalat for Respondent/Management. Again the Tribunal issued fresh notice to the petitioner Union and posted the Dispute to 07-03-1994 for appearance of petitioner Union. On 07-03-1994 the case was adjourned and posted to 11-3-1994 for petitioner's appearance and on 11-3-1994 both the parties were called absent despite service of notices. There was no representation. It appears that the parties are not interested in prosecuting this dispute. Hence the reference is closed.

In the result NIL Award is passed.

Dictated to typewriting on this the 11th day of March, 1994 corrected by me given under my hand and the Seal of this Tribunal.

M. VENKATA RAJU, Chairman

#### APPENDIX OF EVIDENCE

No Oral or documentary evidence has been adduced on either side.

नई दिल्ली, 3 मई 1994

का.आ. 1289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-94 को प्राप्त हुआ था।

[सं. एन. 22012/365/93 आर आई (सी II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 28-4-94.

[No. L-22012/365/93 IR (C II)]  
RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD-II AT HYDERABAD

PRESENT:

Sri M. Venkata Raju, B.A., LL.B. Chairman.

Dated : 21st March, 1994

I.D. No. 8 of 1994 (CENTRAL)

BETWEEN :

The Area Secretary,

Singareni Coal Mines Karmika  
Sangh (B.M.S.),  
Manuguru,  
Khammam Distt. (A.P.)

AND

The Chief General Manager,

M/s. S. C. Company Limited,

MANUGURU,

Khammam Dist. (A.P.) .. Respondent/Management

This Industrial Dispute coming for hearing before me on 11-3-1994, upon perusing the reference and other material papers on record and both the parties being called absent this Tribunal passed the following :

#### AWARD

This is a reference made under Section 10(1)(d) of the Industrial Dispute Act, 1947 by the Government of India, New Delhi through as Order No. L-22012/365/93-IR (C.H.), dated 16-02-1994 for adjudication of the Industrial Dispute between the Management of Singareni Colarries Company Limited, Kothagudem and their workmen represented by Singareni Coal Mines Karmika Sangh (B.M.S.) setting for the point for consideration in the Annexure appended thereto as follows :

"Whether the action of the management of S.C. Company Limited Manuguru, in not placing S/Shri Ch. Naranjan Reddy, A Venkateswarlu, S. Suresh and K. Anjaiah in category EP Welder Gr. 'D' is justified?"

If not, to what relief workmen is entitled to?

2. The said reference was registered on 28-02-1994 as Industrial Dispute No. 8 of 1994 (Central) on the file of this Tribunal. Notices have been issued to both the parties.

3. The case has been posted from time to time for appearance of parties and Vakalats if any. On 15-03-1994 both the parties were called absent and notices given were not returned after service. The matter was posted to 18-03-1994. Petitioner workmen) was called absent on 18-3-1994. Respondent was called absent despite service of notice. There was no representation. Hence the Respondent was set-aside and posted the dispute to 21-03-1994 for the appearance of the petitioner. Again on 21-3-1994 petitioner was called absent, despite service of notice. There was no representation. It appears that the parties are not interested in prosecuting this matter. Hence the reference is closed.

In the result NIL Award is passed.

Dictated to type-writing and corrected by me on this the 21st day of March, 1994 and given under my hand and the Seal of this Tribunal.

M. VENKATA RAJU, Chairman

#### APPENDIX OF EVIDENCE

No Oral or documentary evidence has been adduced on either side.

नई दिल्ली, 3 मई 1994

का.आ. 1290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-94 को प्राप्त हुआ था।

[सं. एन. 22012/25/93 आई आर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 28-4-1994.

[No. L-22012/25/93-IR(C.II)]  
RAJA LAL, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD-  
II AT HYDERABAD

PRESENT:

Sri M. Venkata Raju, B.A., LL.B., Chairman.

Dated, 11th March, 1994

I.D. No. 5 of 1994 (Central)

## BETWEEN

The Central Vice President,  
S. C. Workers Union (AITUC),  
Coal Chemical Complex,  
Naspur-504302,  
Via Mancherial (S.C. Rly.),

Adilabad District (A.P.). ...Petitioner/Workmen.

## AND

The General Manager (Personal),  
M/s. S.C.C. Limited,  
H.O. Kathagudem,

Khammam District, A.P. ...Respondent/Management.

This Industrial Dispute coming for hearing before me 11-3-1994 upon perusing the reference and other material papers on record and both the parties being called absent this Tribunal passed the following:

## AWARD

This is reference made under Section 10(1)(d) of the I.D. Act, 1947 by the Government of India, New Delhi through its Order No. L-22012/25/93-IR (C.II), dated 7-2-1994 for adjudication of the Industrial Dispute between the Management of Singareni Collieries Company Limited, Kathagudem and their workmen represented by the Central Vice President, S.C. Workers Union (AITUC), Coal Chemical Complex, Naspur setting forth the point for consideration in the annexure appended there to as follows:

"Whether the managements action in not promoting S/Shri V. B. K. Bhaskara Rao and R. Raja Rao, Electricians, Cat.VI, C.C.C. to the post of Electrical Charge hand, Grade-B by ignoring the Seniority is legal and justified? If not, to what relief the workmen entitled to?"

2. The said reference was registered on 11-2-1994 as Industrial Dispute No. 5 of 1994 (Central) on the file of this Tribunal-II. The notices have been issued to both the parties.

3. The case has been posted from time to time for Appearance and Vakalat. On 25-2-1994 both the parties were called absent despite service of notices and to given one more chance the matter was posted to 1-3-1994 for appearance. On 1-3-1994 the petitioner Union was called absent and Sri K. Srinivas Murthy, Advocate and his Junior Miss. G. Sudha filed Vakalat for Respondent/Management. Again the Tribunal issued fresh notice to the petitioner Union and posted the Dispute to 7-3-1994 for appearance of Petitioner union. On 7-03-1994 the case was adjourned and posted to 11-3-1994 for Petitioner's appearance and on 11-3-1994 both the parties were called absent despite service of notices. There was no representation. It appears that the parties are not interested in prosecuting this dispute. Hence the reference is closed.

In the result NIL Award is passed.

Dictated to type-writing on this the 11th day of March, 1994 corrected by me given under my hand and the Seal of this Tribunal.

M. VENKATA RAJU, Chairman

## APPENDIX OF EVIDENCE

No Oral or documentary evidence has been adduced on either side.

नई दिल्ली, 3 मई, 1994

का.प्र. 1291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी एल. के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-94 को प्राप्त हुआ था।

[सं.प्र. 22012/26/93 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 28-4-1994.

[No. L-22012/26/93-IR(C.II)]  
RAJA LAL, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD-  
II AT HYDERABAD

PRESENT:

Sri M. Venkata Raju, B.A., LL.B., Chairman.  
Dated, 11th March, 1994

I.D. No. 6 of 1994 (Central)

## BETWEEN

The Central Vice President,  
S.C. Workers Union (AITUC),  
Coal Chemical Complex,  
Naspur-504302,  
Via Mancherial (S.C. Rly.),  
Adilabad District (A.P.).

...Petitioner/Workmen.

## AND

The General Manager (Personal),  
M/s. S.C.C. Limited,  
H.O. Kathagudem,

Khammam Dist., A.P. ...Respondent/Management.

This Industrial Dispute coming for hearing before me 11-3-1994 upon perusing the reference and other material papers on record and both the parties being called absent this Tribunal passed the following:

## AWARD

This is reference made under Section 10(1)(d) of the I.D. Act, 1947 by the Government of India, New Delhi through its Order No. L-22012/26/93-IR(C.II) dated 7-2-1994 for adjudication of the Industrial Dispute between the Management of Singareni Collieries Company Limited, Kothakudem and their workmen represented by the Central Vice President, S.C. Workers Union (AITUC), Coal Chemical Complex, Naspur setting forth the point for consideration in the annexure appended thereto as follows:

"Whether the Managements action is not promoting S/Shri K. Meenakshi Reddy, Electrician, R.K. 6 I, Ramulu, Electrician. RK-5, K. Ram Raju, Electrician. SRP-3 T. Venkateswarlu, Electrician RK-7 and D. Ramanaadham, Electrician, SRP-1 to the post of Electrical Chargehand Grade-B by ignoring the seniority is legal and justified? If not, to what relief the concerned workmen are entitled to?"

2. The said reference was registered on 11-2-1994 as Industrial Dispute No. 6 of 1994 (Central) on the file of this Tribunal-II. The notices have been issued to both the parties.

3. The case has been posted from time to time for Appearance and Vakalat. On 25-2-1994 both the parties were called absent despite service of notices and to given one more chance the matter was posted to 1-3-1994 for appearance. On 1st March, 1994 the petitioner Union was called absent and Sri K. Srinivasa Murthy, Advocate and his Junior Miss. G. Sudha filed Vakalat for Respondent/Management. Again the Tribunal issued fresh notice to the petitioner Union and posted the Dispute to 7-3-1994 for appearance of petitioner Union. On 7-3-1994 the case was adjourned and posted to 11-3-1994 for Petitioner's appearance and on 11-3-1994 both the parties were called absent despite service of notices. There was no representation. It appears that the parties are not interested in prosecuting this dispute. Hence the reference is closed.

In the result NIL Award is passed.

Dictated to type-writing on this the 11th day of March, 1994 corrected by me given under my hand and the Seal of this Tribunal.

M. VENKATA RAJU, Chairman

#### APPENDIX OF EVIDENCE

No Oral or documentary evidence has been adduced on either side.

नई दिल्ली, 3 मई, 1994

का. भा. 1292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[स.एल. 22012/197/88 डी IV(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 2nd May, 1994.

[No. L-22012/197/88-D.IV(B)]

RAJA LAL, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

#### PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 31st day of March, 1994

Industrial Dispute No. 58 of 1989

#### BETWEEN

The Workmen of the Singareni Collieries Company Limited, Bellampalli. ... Petitioner.

#### AND

The General Manager, Singareni Collieries Co. Ltd. Bellampalli. ... Respondent.

#### APPEARANCES :

S/Shri G. Vidyasagar, V. Vishwanatham, N. Vinesh Raj and Giri Krishna, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, Praveena Choudary and Usha Rani, Advocates—for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(197)/88-D.IV.B. IR(C-ii) dated 18th June, 1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Bellampalli in terminating the services of Sri Pallem Mallalah, Surface Trammer, MVK-2 Incline w.e.f. 1st May, 1987 without following the age retirement rules 3(iv) and (vi) and not referring the case to the Age Determination Committee is justified? If not, to what relief the workman concerned is entitled?"

This reference is registered as Industrial Dispute No. 58 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner read as follows:—It is submitted that Sri Pallem Mallalah, Surface Trammer, M.V.K. 2 Incline was appointed in the year 1947. At the time of his appointment his age was 16 years. In those days there was no age retirement rules in the Company. Therefore the concerned clerk who prepared the service card gave the date as his will and pleasure. The worker did not know his age was recorded how many years in Company's service record at that time, no age restrictions for appointment was there in those days. The Age Retirement Rules came into force in the year 1960. In Rule No. 3(iv & vi) it is stated that "In case of employee already in service of the date of the issue of this circular, their age should be determined in accordance with the provisions of this Rule. The work should be completed within a period of 12 months from the date of issuing this circular and in case illiterate employee the declared date of birth shall be recorded by a senior employee and witnessed by another employee. The management have to follow the same but it was not followed in this case. But the management had given him termination notice dated 29th May, 1986 illegally. The worker immediately had submitted an application to the authorities contesting that his age was 57 years but not 60 years. But the authorities did not take any action in the matter. The Union raised a dispute on 4th January, 1987 and terminated him on 1st May, 1987 illegally. During the full service of Sri Pallem Mallalah his age assessment was not done. He was never sent to the Medical Board/Medical Officer for his age assessment. This is the fault of the management. For the fault of the management, they have rectified it in 1965 by taking his thumb impression deceitfully on a typed proforma and proforma was attached with this service book. This proves that his age was not assessed by the Medical Board/Medical Officer. Without assessing his age the termination is illegal and unjustified. Under these circumstances, it is prayed that Hon'ble Industrial Tribunal may please be ordered to direct the Respondent/Management to take Sri Pallem Mallalah on duty immediately and pay back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent read as follows:—It is submitted Sri Pallem Mallalah had initially joined as General Mazdoor in 1947. The allegation that at the time of his joining, he was of 16 years old is not correct. The allegation that the concerned Clerk prepared the service card and gave the date as per his will and pleasure is not correct and the petitioner is put to strict proof of the same. In the year 1959 Unions raised demand to frame the age retirement rules and accordingly age retirement rules were framed. All workmen/employees who are on the rolls had agreed for the said age retirement rules and they are covered by the said settlement. According to the service record the management issued one year advance notice to the petitioner intimating him that he will be retiring from Company's services on 1st May, 1987 vide their letter dated 29th May, 1986 and the notice was received by the workman in dispute and he was retired on 1st May, 1987. The allegation that the management issued a termination notice dated 29th May, 1986 illegally is not correct. The notice dated 29th May, 1986 is an advance notice for retirement related to superannuation, but it is not a notice of termination. The allegation that the dispute was raised on

4th January, 1987 and the workman was terminated on 1st May, 1987 illegally is not correct. If the workman in dispute Sri Pallem Mallaiiah had any age discrepancy, the Union representatives of the T.C.M.L. Union could have brought his case to the notice of the management in the year 1965 itself. The allegation that the management has simply terminated Sri Pallem Mallaiiah from service with their own decision stating that the worker has completed 60 years is not correct. It is submitted this is not a case of termination but this is a case of retirement on attaining superannuation age. When there was no discrepancy in his age as per the service record and after issuing one year advance notice he was retired. The Management has scrupulously followed all the settlements and it is the Unions including the petitioner Union listed the names of workmen who are contesting about their age and their ages have been assessed as per the existing rules prevailing in the relevant periods. The allegation that the management to rectify their faults have taken thumb impressions deceitfully and the proforma was attached to the service book is not correct. The allegation that the management has taken the thumb impressions with an intention to terminate the workmen is not correct. There are no merits in the petitioner's case. As such the petitioner is not entitled to claim reinstatement or back wages as prayed for. In view of the above mentioned facts, this Hon'ble Tribunal may be pleased to dismiss the claim petition and confirm the action taken by the management and pass necessary orders in the circumstances of the case.

4. The point for adjudication is whether the action of the Respondent-Management in terminating the services of Sri Pallem Mallaiiah, w.e.f. 1st May, 1987 without following the age retirement Rules 3(iv) and (vi) and not referring the case to the Age Determination Committee is justified or not?

5. No oral or documentary evidence have been adduced by either of the parties.

6. The case of the Petitioner Union Sri Pallem Mallaiiah was appointed in the year 1947, that at the time of his appointment his age was 16 years, that the age assessment was not done by the Medical Officer, that Rule No. 3(iv) and (vi) the Management has not followed it, that the management had given him termination notice dated 29th May, 1986 illegally.

7. The allegation of the Respondent Management had at the time of joining the personal particulars of the employee i.e. name, his father's name, age, address and all other particulars were given by the employee himself and which were recorded by the concerned Clerk in service book and statutory records, that the age declared by the employee was taken by the Company for his service purpose, that it is laid down in those rules that where documentary evidence of age or date of birth is not produced at the time of first appointment the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer at the time of medical examination who shall assess the age and record it. At the time of medical examination the workman who are not aware of exact date and month of birth, the particulars year will be taken for the purpose of service record and in case of workmen who can declare their date of birth same shall be entered in the record of service by the clerk if he is illiterate and if he is literate he will be writing the same in service record. If any employee contests with regard to his age, he should be sent to the Medical Officer for assessment of his age. It may be noticed this petitioner has not contested about his age either in the year 1959/60, in 1965, in 1969 or in the year 1983.

8. Rule No. 3(iv) & (vi) of Age Retirement Rules is as follows:

"(iv) In case of employee already in service on the date of issue of this circular their age should be determined in accordance with the provisions of this rule. The work should be completed within a period of 12 months from the date of issue of this Circular."

(vi) In the case of literate employee the date of birth should be entered in the record of the service in the employee's own hand writing. In the case of illiterate employees, the declared date of birth should be recorded by a senior employee and witnesses by another employee."

It is seen that the Respondent-Management has not followed the above Rule 3(iv) and (vi) but honoured Clause No. 4 only. It is also seen that the Memorandum of Settlement dated 17th September, 1969 and the C.P.O.'s circular dated 26th October, 1993 mentions that any worker who contests his age should be sent to the Medical Board/Medical Officer. When it is proved that the workers age record is not correct, the Respondent-Management should have followed the above procedure and settlements. I find that the Respondent-Management failed to follow the settlements and C.P.O.'s Circular dated 26th October, 1983. Hence I find that the Management action in terminating Sri Pallem Mallaiiah, Surface Trammer, M. V. K. No. 2 Incline is illegal and unfair labour practice, since they failed to send the worker for age assessment to the Medical Officer before the termination of the workman.

9. In the result, the action of the Management of M7s. Singareni Collieries Company Limited, Bellampalli in terminating the services of Sri Pallem Mallaiiah, Surface Trammer, M.V.K. 2 Incline w.e.f. 1st May, 1987 without following the age retirement Rules 3(iv) and (vi) and not referring the case to the Age Determination Committee is not justified. The Respondent-Management is directed to take Sri Pallem Mallaiiah on duty immediately and pay back wages together with attendant benefits from the date of his termination until he is taken on duty.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 31st day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

NIL

नई दिल्ली, 3 मई, 1994

का. आ. 1293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[सं. एल-22012/135/88 डी IV(बी)]

राजा लाल, ईस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workmen, which was received by the Central Government on the 2-5-1994.

[No. I-22012/135/88-D.IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT  
HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 31st day of March, 1994

Industrial Dispute No. 22 of 1989

BETWEEN

The Workmen of Singareni Collieries  
Employees Council, Godavari khani,

...Petitioner.

AND

The Management of Singareni Collieries  
Company Limited, represented by its  
General Manager.

...Respondent.



## APPEARANCES:

M/s. G. Bikshapathi, G. Vidya Sagar, V. Vishwanatham, N. Vinesh Raj, K. V. V. Bhaskar and C. Amar, Advocates for the Petitioner.

M/s. K. Srinivas Murthy and G. Sudha, Advocates for the Respondent.

## AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(135)/88-D.IV(B), dated 9-2-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication:

"Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., Area-I Ramagundam Division in denying promotion from Cat. V to Cat. VI to Sri Ramaraju, Fitter Cat. V Bldg. Deptt., is justified? If not, to what relief and since when the workman concerned is entitled?"

This reference was registered as Industrial Dispute No. 22 of 1989 and notices were issued to both the parties.

2. The brief facts of the claims statement filed by the Petitioner-workman read as follows:—

It is submitted that the case of Ch. Rama Raju, Fitter Category-VI Building Department is espoused by the Petitioner Union. The relevant facts relating to the dispute are that the workman was appointed on 1-6-1957 as General Mazdoor in Singareni Collieries Company at Bellampalli Division. The petitioner-workman promoted as Pump Khalasi on 10-4-1962 and he was transferred to Godavarikhani No. I Incline. Further promoted to Cat. IV Fitter w.e.f. 22-1-1967, again promoted to Category V Fitter w.e.f. 1-6-1976 in Building Department. The workman is the seniormost fitter in Building Department in the Category of Fitter. According to the promotion policy, the workman became eligible for Category VI Fitter after completion of 5 years of service w.e.f. 1-6-76, but he was not promoted to Cat. VI Fitter. In this regard Sri S. Veeramallu, Cat. V Fitter in Building Department was promoted to Cat. VI w.e.f. 1-9-1980, he did not pass the Trade Test and has no educational qualifications. Another person Sri S. Dal Reddy Cat. V Fitter was promoted to Cat. VI Fitter w.e.f. 1-9-1984. He too not passed the Trade Test and has no qualifications. Whereas the workman concerned was called for the Trade Test in 1984 for promotion to Fitter Category VI and passed test in March/April, 1984. While so, Sri Dal Reddy expired and consequently the duties which were discharged by Sri Dal Reddy were being entrusted to the workman and ever since the said date, the workman has been discharging the duties of Cat. VI Fitter in place of Sri Dal Reddy. Therefore in all fairness the workman ought to have been given promotion as Fitter Cat. VI w.e.f. on which date he has been discharging the duties of Cat. VI Fitter. Sri Veeramallu retired from service on 1-6-1987 on which date also a clear vacancy of Cat. VI Fitter arose in Building Department. It is submitted that the workman has been denied the promotion of Fitter Cat. VI without any valid or substantial grounds, though fulfilled all the qualifications for being promoted to the post of Fitter Category VI. It is not out of place to mention that the management entered into a settlement with the Union under Section 12(3) of the I.D. Act. the cadre scheme for the tradesman (Fitters), the Fitter in Category V will be eligible for promotion to Category VI post on availability of vacancies and passing trade test after having been in Cat. V for five years and in case of non-ITI candidates seven years. Even as per the terms of the settlement, as amply indicate that non-ITI workmen having put in 7 years of service will be eligible for Fitter in Category VI. The workman was promoted in 1976 and he became eligible for this post after 7 years i.e. by 1-6-1983. Even this has been denied. Under these circumstances, it is prayed that the Hon'ble Court may be pleased to hold that the denial of promotion from Cat. V to Cat. VI Fitter to the workmen Ch. Rama Raju is unjustified and consequently direct the management to promote him to Fitter Cat. VI from 1-6-1983 or from any other subsequent date as the Hon'ble Court deems fit and proper with all consequential benefits, including arrears of wages and other attendant benefits.

3. The brief facts of the counter filed by the Respondent-Management read as follows:—The material facts stated with regard to his promotions are correct upto Cat. V. That according to the promotion policy of the Company a workman becomes eligible for Cat. VI Fitter after completion of 5 years service w.e.f. 1-6-1976 is not correct. There is no automatic promotion policy in the Respondent. The petitioner cannot compare his case with the cases of Sri S. Veeramallu and Sri S. Dal Reddy. It may be noticed Sri Veeramallu was promoted to Cat. V on 15-8-1967 who is senior to Ramaraju in Cat. V. This petitioner got promotion to Cat. V on 1-6-1976. Sri Dal Reddy was also promoted to Cat. V on 15-8-1967. Sri Veeramallu and Sri Dal Reddy are 8 years seniors in Cat. V to Sri Ramaraju. There are no vacancies in Building Department in Cat. VI. As such, the petitioner cannot ask for promotion on the ground Sri Veeramallu retired from service on 1-6-1987 and Sri Dal Reddy died on 15-2-1985 so he should be given promotion in their place. Thus Sri Veeramallu was called for trade test and he passed in the trade test and on the seniority cum merit basis and on available vacancy Sri Veeramallu was placed to Cat. VI in Building Department. So far as Sri Dal Reddy is concerned though he was promoted to Cat. V in 1967 because of his unsatisfactory report of work, attendance & conduct, management has not called him for the Trade Test. It is agreed in the Settlement that cases of such of the Tradesmen of Cat. V who were in service as on 15th August, 1967 and who were not considered earlier for placement in Cat. VI will be reviewed and they will be placed in Cat. VI as a special case. It is submitted the nature of duties discharged by Cat. V and Category VI Fitters more or less are similar. Because of stagnation of promotion for Sri Dal Reddy and Veeramallu since 1967 and 1980 and also because of the circular of 1978 and Settlement of 1982 they were given Cat. VI as special cases. There is no clear vacancy as indicated by the petitioner and the petitioner is put to strict proof of the same. More seniority is not sufficient to promote the employees. In this case Sri Ramaraju is not the senior most fitter in Cat. V at all. The petitioner is not entitled to be promoted to Cat. VI Fitter from 1-6-1983 or from any subsequent date as alleged by him. It may be noticed the relief is bad in law and what this petitioner sought by way of relief is that this Hon'ble Court should act as representative of the Respondent by fixing a date and giving promotion. In view of the above mentioned facts and circumstances this Hon'ble Court may be pleased to dismiss the claim petition as devoid of merits.

4. The point for adjudication is whether the action of the respondent-Management in denying promotion from Cat. V to Cat. VI to Sri Ramaraju is justified or not?

5. W.W1 was examined on behalf of the Petitioner-Union and marked Exs. W1 to W8. M.W1 and M.W2 were examined for the Respondent-Management and marked Exs. M1 to M7.

6. W.W1 is Ch. Rama Raju. In brief he deposed that as per the rules of the Respondent the promotion is to be given to the worker after completion of 5 years service in one category to the next higher category. He completed his service in Cat. V Fitter by 1-6-1981 and he was not given promotion to the next category i.e. to Cat. VI Fitter. One Sri S. Veeramallu was given promotion in Cat. VI Fitter in 1980 and one Sri S. Dal Reddy was given promotion to Cat. VI Fitter from Cat. V on 1-9-1984. Both of them had no technical qualification and they are marksmen. He passed S.S.C. S. Dal Reddy died on 15-2-1985 in Kothagudem Hospital. Ever since the death of S. Dal Reddy, he has been working in his place and discharging the duties of Cat. VI Fitter. Veeramallu retired from service by the end of May 1987. Though he is discharging the duties of Cat. VI Fitter, he being paid Cat. V salary only. He submitted an application after the death of S. Dal Reddy to the Management requesting to promote him to Cat. VI Fitter. He submitted another application dt. 9-6-1987 after the retirement of S. Veera Mallu, to the Management of the Respondent requesting to promote him to the Cat. VI Fitter from Cat. V. The Respondent sent a reply dt. 12-7-1987 to his representation



and the said reply in Ex. W2. His request for promotion to Cat. VI Fitter in the place of S. Veera Mallu was not considered by the management of the Respondent as per Ex. W2 reply. The management did not given any reply to his representation dt. 12-8-87. He prays the Court to pass an award directing the management to promote him to Fitter Cat. VI w.e.f. 1-6-1983 or from any subsequent date, with consequential benefits including the arrears of wage's and other attendant benefits.

7. M.W.1 is E. Balakrishna Chari. In brief he deposed that he is aware of the facts of this case. After completion of three years, service in Cat. IV the Tradesmen will be promoted to Category V automatically, after considering his confidential report regarding attendance, work etc. From Cat. V the promotion will be given to Cat. VI posts, after conducting the trade test and interview and considering confidential reports. Cat. V and Cat. VI are skilled jobs. Cat. VI job is more responsible job than Cat. V job Veeramallu and Dal Reddy were promoted from Cat. IV to Cat. V on 15-8-1967 Ch. Rama Raju W.W.1 was promoted from Cat. IV to Cat. V from 1-6-1976 as per Ex. W1 order. Veeramallu and Dal Reddy are 8 years seniors than W.W.1. Representations were made by the unions with regard to the promotion of Tradesmen from Cat. V to Cat. VI who were on rolls as on 15-8-1967 and an agreement was entered into in that respect on 30-12-1978 and the photostat copy of the said agreement is Ex. M1. Ex. M1 agreement was implemented by the management. Veeramallu was promoted as the terms of Ex. M1. In the year 1982 to Cat. VI post. Again an agreement dt. 24-9-1982 was entered into between the management and some of the unions and the petitioner union was not a party to the said agreement. Dal Reddy was promoted in 1984 as per Item No. 16 in Ex. M2 settlement. The settlement in Ex. M2 is applicable to W.W.1 also. There were no vacancies in Building Department in Cat. VI on the date of raising the dispute in this case, by the petitioner Union. W.W.1 is not entitled for promotion in Cat. VI as he is junior to Veeramallu and Dal Reddy. W.W.1 was not entitled for promotion to Cat. VI from 1-6-1983 as prayed for by him. W.W.1 comes under Clause 7 of Annexure to Ex. M3 settlement and accordingly W.W.1 was promoted to Cat. VI w.e.f. 1-4-1989 as per the office order dt. 22-4-1990.

8. M.W.2 is P. Chandrakant Sharma. In brief he deposed that he knows the facts. The workman who are in Cat. V will get the next higher promotion to Cat. VI. The promotion from Cat. V to VI is not automatic but all the tradesmen who have completed 5 years in Cat. V will be called for a trade test comprising the written test, practical test and assessment report, subject to the vacancies in the respective grades. The workman in dispute Ch. Rama Raju appeared for the test for promotion. As per the trade test appeared by the petitioner, he has not got the promotion as his name was not in the merit list. At that time of test, i.e., 1984 there was no vacancy in Civil Engineering Department in Cat. VI but he was considered for vacancies in other mines and departments along with other candidates.

9. In this case the contention of the Petitioner Union that Sri Ch. Rama Raju, Fitter Cat. VI Building Department, subsequently the workman was promoted to Cat. V Fitter w.e.f. 1-6-1976 in the same department, that according to the promotion policy, the workman became eligible for category VI Fitter after completion of five years of service w.e.f. 1-6-1976 the workman was not promoted to Category VI Fitter, that on the other hand, the workman was called for the Trade Test in 1984 for promotion to the Fitter Category VI and he passed the said test in March/April 1984, that the duties which were discharged by Sri Dal Reddy were being entrusted to the workman and ever since the said date, the workman has been discharging the duties of Category VI Fitter in place of Sri Dal Reddy, as he possess the minimum requirement and also passed the Trade Test, that in all fairness the workman ought to have been given promotion as Fitter Category VI with effect from on which date he has been discharging the duties of Category VI Fitter.

10. The contention of the Respondent Management that the material facts stated with regard to the promotion of Ch. Rama Raju are correct upto Category V, that there is no automatic promotion policy in the Respondent-Company the petitioner cannot compare his case with the cases of Sri S. Veeramallu and Sri S. Dal Reddy, that the management 1262 GI/94—7

reviewed all the cases and a Trade Test was conducted and at that time management took the criteria, the senior most tradesman who got stagnated for promotion for more than 10 years were considered and were called for the trade test, that there are no vacancies in Building Department in Category VI, the petitioner cannot ask for promotion on the ground that Sri Veeramallu retired from service on 1-6-1987 and Sri Dal Reddy died on 15-2-1985.

11. At the very outset, it is seen that the petitioner workman Ch. Rama Raju was appointed on 1-6-1957 as General Mazdoor, he was promoted as Pump Khalasi on 10-4-1962. Again he was promoted to Category IV Fitter with effect from 22-1-1967 and then promoted to Category V Fitter w.e.f. 1-6-1976. According to the Promotion Policy, the workman is eligible for further promotion after completion of five years in lower category. The Petitioner workman was called for Trade Test in 1984 for the promotion to Fitter Category VI and that he has passed the Trade Test. It is seen that one Sri Dal Reddy was promoted from Category V to VI from 1-9-1984 without any trade test. Similarly in the case of one Sri Veeramallu who was promoted from Category V to Category VI w.e.f. 1-9-1980, he too has not passed the Trade Test. In the meanwhile Sri Dal Reddy died and in his place the petitioner workman was entrusted with the work of deceased Dal Reddy. On 1-6-1987 Sri Veeramallu retired from service. So there is a clear vacancy caused due to the above fact. So when the petitioner workman was entrusted with the work of deceased Dal Reddy and when there is a clear vacancy, the Respondent-Management denied the promotion to Sri Ch. Rama Raju which is unjustified and unfair labour practice. It is also seen that the Petitioner-workman has put in 13 years service in Category V. As per the Settlement all non-I.T.I. candidates with 7 years experience are eligible for promotion to Fitter Category VI post. I find that the Management has been adopting discriminatory treatment to the Petitioner-workman Sri Ch. Rama Raju in order to victimise him for his Trade Union activities. Thus, viewed from any angle, the Petitioner-workman ought to have been promoted as Fitter Category VI. On a consideration of the facts and circumstances of the case, I hold that the denial of promotion from Category V to Category VI Fitter to Sri Ch. Rama Raju is unjustified and the Respondent-management is directed to promote him to Fitter Category VI from 1-6-1983.

12. In the result, the action of the Management of M.S. Singareni Collieries Company Limited, Area I Ramagundam Division in denying promotion from Category V to Category VI to Sri Ramaraju, Fitter Category V, Building Department is not justified. The Respondent Management is directed to promote Sri Ramaraju from Category V to Category VI Fitter from 1-6-1983 with all consequential benefits, including arrears of wages and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 31st day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.

#### Appendix of Evidence

Witnesses Examined on behalf of Petitioner-Workman :

Witnesses Examined on behalf of the Respondent-Management :

W. W1	E. Balakrishna Chari
M. W1	E. Balakrishna Chari
M. M2	Chandrasekhara Sarma.

#### Documents marked for the Petitioner-Workman :

Ex. W1.—Photostat copy of the Order issued by the Addl. 9-1-77 G.M. R. G.I., The Singareni Collieries Company Limited with regard to promotion of Ch. Rama Raju and others as Fitter, Category V.

Ex. W2.—Reply dt. 12-7-87 sent by the G.M. RG-I, S.C. Co. 12-7-87 Ltd. to Sri Ch. Rama Raju with regard to promotion as Fitter Category VI.

Ex. W3.—Copy of the Representation submitted by Ch. Rama 12-8-87 Raju to the G.M., Ramagundam Division Area-I.

Ex. W4.—Copy of the application dt. 21-1-88 submitted by 21-1-88 the Vice President, S.C. E. Council, Godavarikhani to the Asstt. Labour Commissioner (Central), Govt. of India, Hyderabad with regard to denial of promotion to Category VI to Sri Ch. Rama Raju, Fitter.

Ex. W5.—Copy of the views of Management on the representation No. TNTUC/RGM/88/124, dt. 21-1-88 of the Vice President, S.C.F. Council, Godavarikhani.

Ex. W6.—Views of the Union submitted to the Conciliation Officer (ALC(C), Hyderabad in connection with Conciliation proceedings, vide 1/10/88-E3, dt. 1-2-88.

Ex. W7.—Copy of the failure report submitted by the Asstt. 18-8-88 Labour Commissioner(C), Hyderabad to the Secretary to Government of India, Ministry of Labour New Delhi with regard to Ch. Rama Raju and Management of M/s. S.C. Co. Ltd., Area-I, Ramagundam.

Ex. W8.—Photostat copy of the Officer Order issued by the 8-3-87 G.M., Ramagundam Area-I, with regard to promotion of Fitters, Category-V to Fitters, Category-VI. Document marked for the Respondent/Management :

Ex. M1.—Photostat copy of the Circular issued by the General Manager, S.C. Co. Ltd., to All Pits & Departments, All Collieries in regard to Tradesman.

Ex. M2.—Photostat copy of the Memorandum of Settlement 24-9-82 between the Management of the S.C. Co. Ltd., and their workmen represented by S.C. Workers Union.

Ex. M3.—Photostat copy of the letter with enclosure containing Memorandum of Settlement between the Workmen and the Management of S.C. Co. Ltd., Kothagudem.

Ex. M4.—Photostat copy of the Office Order issued by the 22-4-90 G.M., Ramagundam Area-I with regard to Fitter Category V of Ramagundam Area-I are placed in Category VI.

Ex. M5.—Statement of vacancy position—1988-89.

Ex. M6.—Statement of vacancy position—1989-90.

Ex. M7.—Settlement arrived between the management and 22-5-76 union.

नई दिल्ली, 3 मई, 1994

का.अ. 1294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, एम. सी. एस. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[सं. एल.-22012/205/88-डी-IV(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on the 2-5-94.

[No. 22012/205/88/ DIV(B)]

RAJA LAL, Desk Officer

## ANNEXURE

### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

#### PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 7th day of April, 1994

INDUSTRIAL DISPUTE NO. 50 OF 1989

#### BETWEEN :

1. Khader Mohinuddin (Died)
2. Rahema Sultana.
3. Mohd. Hameed Mohiuddin
4. Mohd. Amjad Mohiuddin
5. Mohd. Ahmed Mohiuddin
6. Ameena Rameem
7. Gareeb Sultana
8. Mohd. Khaja Mohiuddin... ..Petitioners

#### AND

The Management of Singareni Collieries Company Limited, Area-I, Godavarikhani... ..Respondent.

#### APPEARANCES :

M/s. G. Bikshapathi, G. Vidyasagar, N. Vishesh Raj & G. Ravi Mohan, Advocates for the Petitioners.

M/s. K. Srinivasa Murthy, G. Sudha, Advocates for the Respondent.

#### AWARD

The Government of India, Ministry of Labour by its Order No. L-22012(205)/88-D. IV. B dated 30-6-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication :

“Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., Area-I Ramagundam Division P. O. Godavarikhani, Distt. Kairmnagar (AP) in awarding the extreme punishment of dismissal w.e.f. 22-3-1987 to Sri Khader Mohiuddin, Driver, Transport Section, is justified ? If not, to what relief the workman concerned is entitled ?”

This reference was registered as Industrial Dispute No. 50 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows : It is submitted that Petitioner No. 1 was appointed as Driver in Respondent Company on 31-3-1963. From 1978 the Company utilised his services as Transport Supervisor, which is higher post having extra responsibilities to be shouldered. He worked as such from 1978 to 1982 but the Management did not pay him any extra remuneration. The post of Transport Supervisor comes under ‘C’ Grade Wage while the

post of Driver falls under 'D' Grade. From 1982 to 1985, the Petitioner was directed to work as Supervisor in Timber Yard which again is categorised in 'C' Grade wage, as supervisor post to that of the Driver. From the year 1985-86 he was transferred to Transport Section as Supervisor again. The Petitioner No. 1 has been making representations to the management to grant higher grade in view of the higher responsibility shouldered by him. Since the 1st Petitioner was not rewarded sufficiently commensurate with the duties discharged by him, he was virtually made to suffer mental agony and depression. The 1st Petitioner was not keeping good health and he applied for leave from 23-4-1986 to 2-5-1986 and the same was granted on loss of pay. While so, the 1st Petitioner suddenly fell ill on 3-5-1986 and he became unconscious. Since there was no improvement in the health condition of the 1st Petitioner, he was shifted to Hyderabad. The Management was informed of the situation by the colleague workmen as the 1st Petitioner was shifted to Hyderabad in semi-conscious state, due to lack of rules, could not inform in writing about the sickness of the 1st Petitioner. The 1st Petitioner had undergone medical treatment under Dr. T. R. V. Rao, Specialist in Mental Diseases from 11-5-1986 to 27-8-1987. The 1st Petitioner presented himself before the Respondent for joining duty along with fitness certificate issued by the said Doctor, duly countersigned by the Government Civil Surgeon, Osmania hospital, Hyderabad. He was informed by the Respondent that he was already dismissed from service under Company's Standing Order No. 16(16) from 22-3-1987. The Respondent has not served any order of dismissal. The 1st Petitioner submitted a representation to the General Manager on 8-9-1987 and also another representation to the Chairman and Managing Director on 11-9-1987 for reinstating him into service, there was no response. The order of dismissal is illegal and invalid. The Petitioner was not issued with any charge sheet nor any enquiry was conducted into the matter. While the petitioner was undergoing treatment for mental illness, it is unfair on the part of the Respondent to have conducted an ex parte enquiry for alleged absence from duty. But for his mental ailment, he could have discharged his duty without any interruption. The charge sheet was issued by the Senior Executive Engineer who is not competent to initiate disciplinary proceedings. The General Manager is the only competent disciplinary authority. Hence the initiation of disciplinary proceedings and consequent ex parte enquiry are illegal and invalid. The ex parte enquiry was conducted in gross violation of principles of natural justice, and contrary to the Company's Certified Standing Orders. The employees who are terminated for unauthorised absence were reinstated while the case of the 1st Petitioner was rejected more so, when the absence is for genuine sickness, which is employ supported by medical certificate, prescription and the bills. The punishment of dismissal from service is too severe and grossly disproportionate to the gravity of the misconduct, if any, committed by the 1st Petitioner. It is submitted that during pendency of the present dispute, petitioner No. 1 Sri Khader Mohiuddin died on 27-11-1992. The Petitioners No. 2 to 8 are legal heirs of Petitioner No. 1 and they are impleaded as Petitioners No. 2 to 8 vide orders in I.A. No. 47 of 1993 dt. 10-9-1993. It is therefore prayed

that the Hon'ble Court may be pleased to declare the order of dismissal passed by the Respondent dt. 22-3-1987 as illegal and unjustified and pass an award directing the Respondent to pay full back wages from the date of dismissal of 1st Petitioner and terminal benefits as if Petitioner No. 1 died in harness and grant orders as the Hon'ble Court deems fit and proper.

3. The brief facts of the counter filed by the Respondent-Management read as follows :-It is true that Sri Shaik Khader Mohiuddin was appointed as Driver in the Respondent Company on 31st March 1963. It may be noticed there is no such post of Transport Supervisor so as the Drivers can be promoted to the Transport Supervisor post. The Drivers in normal course should be in Category V, i.e. daily rated wages. Instead of that the spare drivers who are noting down with regard to the vehicles incoming and out going particulars, etc. they were given D-Grade Salary i.e. monthly paid. Thus, this petitioner was receiving D-Grade salary. The petitioner is not entitled for Grade-C wages from 1978 to 1982. The petitioner never discharged higher responsibility as alleged, nor is he entitled for any additional wage. The allegation the petitioner was not rewarded sufficiently commensurate to the duties discharged by him he was virtually made to suffer mental agony and depression is totally false. It may be noticed by April, 1986 no leave remained to the credit of the workman in dispute, Sri Shaik Khader Mohiuddin. Sri Shaik Khader Mohiuddin applied for leave from 23-4-1986 to 2-5-1986 which was sanctioned by the Respondent as loss of pay. Afterwards the workman in dispute has not reported for duty at all. There is no intimation from the workman in dispute from 3-5-1986 onwards. The workman in dispute as well as the Union are fully aware of the free medical facilities available in the Company. The petitioner is put to strict proof that the workman in dispute has undergone medical treatment under Dr. T. R. V. Rao, Specialist in mental diseases from 11-5-1986 to 27-8-1987. To cover the absenteeism from 1986 to 1987 the petitioner has chosen to produce false medical certificates. It may be noticed first time the petitioner by his letter dt. 28-8-1988 informed the management that he has undergone medical treatment in 1986-87 and enclosed a medical certificate. The management could not act upon the xerox copies of the medical certificates as there was no any such practice.

Normally the practice of the Respondent company is to serve the charge sheet to the employee to his house address, native address and if any available address is there to that address, and also publish in the newspapers so as the workman will aware of the same. The above procedure was followed by the Charge sheet was returned unserved with a postal endorsement "person left without instructions". The allegation the enquiry was held against the petitioner contrary to the Company's Certified Standing Orders and that the findings of the Enquiry Officer are perverse and run counter to the evidence on record is not correct. It is not as case for all un-authorised absenteeism cases the employees were reinstated. Only in genuine cases it was done. The allegation the case of the petitioner was rejected more so, when

the absence is for genuine sickness is not correct. There are no merits in the petitioner's case and the petitioner is not entitled for declaration as prayed for reinstatement with backwages and other attendant benefits as prayed. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the claim petition and confirm the action taken by the Management.

4. The point for adjudication is whether the action of the Respondent-Management in awarding the extreme punishment of dismissal w.e.f. 22-3-1987 is justified or not?

5. W.W1 was examined on behalf of the Petitioner-workman and Exs. W1 to W18 were marked. While M.W1 and M.W2 were examined and marked Exs. M1 to M10 on behalf of the Respondent-Management.

6. Before going into the merits of the case, the petitioner questioned the validity of the domestic enquiry conducted in this case. Both parties were given opportunity to adduce evidence on this preliminary point. The Petitioner examined himself as W.W1 and for the Respondent examined M.W1 and marked Exs. W1 to W18 and M1 to M10. On 7-8-1992 this Tribunal passed an Order holding the domestic enquiry conducted by the Respondent-Management as vitiated. After this the Respondent Management examined M.W2 and marked Exs. M2 to M7. Now, this case is taken on merits to be decided.

7. M.W2 is K. Rajeshwar Rao. He deposed in brief that he knows the facts of this case. The deceased Khader Moinuddin was working as Driver in their Company. He was in permanent job. Ex. M1 is the charge sheet dt. 15-9-1985. Exs. M2 and M3 are the Attendance Registers for the period from August, 1985 to January 1987. The petitioner was absent from 3-5-1986 to 12-9-1986. Prior to that he applied leave. No application was submitted for extending the leave. No information was given by the petitioner stating that he was mentally depressed. Ex. M5 is the dismissal order dt. 22-3-1987.

8. The contention of the Petitioner workman that he applied for leave from 23-4-1986 to 2-5-1986 and the said leave was sanctioned by the Respondent-Management. During the sanctioned leave, the Petitioner workman fell sick and became unconscious, he was shifted to Karimnagar and there from to Hyderabad. The case of the petitioner workman that he was treated by one Dr. T.R.V. Rao a specialist in mental disease. Subsequently by Ex. W13 Medical Certificate issued by Dr. T.R.V. Rao stating that the petitioner was treated by him from 11-5-1986 to 27-8-1987 and certified that he is fit to resume his usual duties from 28-8-1987. That the petitioner reported for duty in the Respondent Company along with Ex. W13 on 28-8-1987 and he was informed by the Divisional Engineer Sri Chandra Mohan that he was dismissed from service and asked the petitioner to go to the General Manager and also approach the Chairman and Managing Director of the Respondent Company. He also sent representation to them but in vain. Finally this reference was made.

9. On the other hand, the Respondent-Management denied all the allegations made above. The contention of the Respondent Management that there was

no intimation during the relevant period in 1986-1987 the management was constrained to issue a charge sheet dt. 15-9-1986 for unauthorised absence without any intimation from 3-5-1986 to 12-9-1986 as it was the misconduct under Company's Standing Order No. 16(6).

10. At the very outset it is seen that from Ex. W1 to W6 are the prescription slips given by Dr. T.R.V. Rao a specialist in mental diseases, under whom the Petitioner-workman undergone treatment. Exs. W7 to W12 are the bills under which the petitioner purchased the medicines as prescribed by the Dr. T.R.V. Rao. Ex. W13 is the Medical Certificate issued by Dr. T.R.V. Rao stating that the Petitioner is Fit to resume to duty from 28-8-1987. It is the case of the Petitioner-workman that he under went treatment under Dr. T.R.V. Rao and infact he was really sick during the period in question. When the Petitioner went to join duty, he was informed orally that he was removed from service. Thereafter the Petitioner made a representation to the Chairman and Managing Director dt. 11-9-1987 stating that he developed severe mental depression with the result he had to be taken to Hyderabad for treatment, he was admitted in Hospital on 11-5-1986 and was kept under intensive treatment and he was discharged from Hospital by Mental Specialist on 27-8-1987 after declaring as fit to resume duty. In the claim statement of the Petitioner-Workman mentions that the Management was informed of the situation by the colleague workmen as the 1st Petitioner was shifted to Hyderabad in semiconscious stage and due to lack of rules, could not inform in writing about to the sickness of the 1st Petitioner. So I find that the Petitioner-workman was in mental illness and undergone treatment by the Mental Specialist Dr. T.R.V. Rao and the Petitioner-workman also gave a representation to the Managing Director about his absence from duty and that the absence caused which was under extreme unavoidable circumstances beyond his control, and due to unconscious and unsound health he could not give any intimation about the leaving the station and petitioner's wife being a purdah lady (Muslim lady). Absence from duty is not a grave misconduct, so as to dismiss him from service, moreso, when the absence is for genuine sickness which is amply supported by medical certificate, prescription and the bills. I find that the punishment of dismissal from service is too severe and grossly disproportionate to the gravity of the misconduct committed by the 1st Petitioner-workman. The order of dismissal passed by the Respondent-Management in No. P. RGI/32C/927 dt. 22-3-1987 is illegal and is liable to be set aside and the Respondent Management is directed to pay full back wages from the date of dismissal of the 1st Petitioner till the date of death of the 1st Petitioner.

11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area I Ramagundam Division, P.O. Godavarikhani, District Karimnagar (AP) in awarding the extreme punishment of dismissal w.e.f. 22-3-1987 to Sri Khader Mohinuddin, Driver, Transport Section, is not justified. The Respondent-Management is directed to pay full back wages from the date of dismissal of Sri Khader Mohinuddin, Driver to the date of death and all other terminal and attendant benefits. Since Khader Mohinuddin died on 27-11-1992, Petitioners

No. 2 to 3 are entitled for the above benefits of the 1st Petitioner i.e. Sri Khader Moinuddin.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 7th day of April, 1994.

Y. VENKATACHALAM, Industrial Tribunal

#### Appendix of Evidence (After P.P.)

Witnesses Examined

for Petitioner/Workmen :

NIL

Witnesses Examined

for Respondent/Management :

M.W1 N. Sri Rama Murty

M.W2 K. Rajeswara Rao (after PP)

Documents marked for the Respondent (After P.P.)

Ex.M1 Charge Sheet issued to the Workman 15-9-85 Sri Khader Moinuddin.

Ex.M2 Registers August 1985 to January

Ex.M3 1987.

Ex.M2 A Relevant portion of Petitioner's absence in Ex. M2.

Ex.M3 A Relevant portion of Petitioner's absence in Ex M3.

Ex.M4 Paper publication in Eenadu on 30-10-1986 with regard to the Charge sheet issued to K. Moinuddin.

Ex.M5 Copies of the dismissal order issued by 22-3-87 the General Manager, R.G-I to K. Moinuddin.

Ex M6 Voluntary retirement application. 21-4-86

26-5-86 particulars of the workman.

नई दिल्ली, 3 मई, 1994

का.आ. 1295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में एम. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[सं. एल. 22012/198/88 डी-IV(बी)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd.,

and their workmen, which was received by the Central Government on 2-5-94.

[No. L-22012/198/88-D.IV(B)]

RAJA LAL, Desk Officer.

ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 31st day of March, 1994.

INDUSTRIAL DISPUTE NO. 60 OF 1989.

BETWEEN :

The workmen of Singareni Collieries Company Limited, Bellampalli. . . . . Petitioner.

AND

The General Manager, Singareni Collieries Company Limited Bellampalli. . . . . Respondent.

APPEARANCES :

S/Sri G. Vidyasagar, V. Vishwanatham, N. Vinash Raj and Giri Krishna, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(198)/88-D.IV.B/IR(C-II) dt. 21-8-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

“Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Bellampalli in terminating the services of Sri Manjiri Laxmiah, Electrician, Boyapalli No. 1 Incline w.e.f. 1-12-1987 without following the age retirement Rules 3(iv) and (vi) and not referring the case to the Age Determination Committee is justified? If not, to what relief the workman concerned is entitled?”

This reference is registered as Industrial Dispute No. 60 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner read as follows :— It is submitted that Sri Manjeri Laxmiah was appointed on 5-11-1954 then his age was 22 years. The same age is recorded in service book, but the age assessment was not done by the Medical Board or Medical Officer, Sri Laxmiah's services were terminated illegally on 11-5-1958. The management came to understand that it was a mistake and he was reinstated on

27-3-1959. He was taken on work but this time also he was not sent to the Medical Board for age assessment. The concerned Clerk has written the age as per his whims and fancies. During these days there was no age restriction for appointment. The age retirement rules came into force in the year 1960. In Rule No. 3(iv) & (vi) it is stated that "In case of employee already in service of the date of the issue of this Circular, their age should be terminated in accordance with the provisions of this Rule. The management have to follow the same but is not followed in this case. But the management have given him a termination notice dt. 3/4-12-1986 without following the above formalities. Immediately the worker had submitted his application dt. 20-12-1986 contesting that he was not 59 but 55 years. His age was 55 years and not 60 years by the time of his date of termination. But the Management did not take any action in the matter. Hence the action of the management is illegal and unjustified. It is submitted that the Union has raised a dispute during 1965 stating that the Company's workers age record is not correct. Over this dispute the management and the Union arrived into a settlement before the Conciliation Officer and entered into Memorandum of Settlement on 26-2-1965. After the agreement the management has to send the worker for age assessment to the Medical Officer before termination of his service, without following the above formalities the worker was terminated on 1-12-1987 forcibly and illegally. It is submitted that the second Memorandum of Settlement dt. 17-9-1969 and C.P.O. Circular dt. 26-10-1983 that any employee contesting his age record is wrong the Management has to send the worker to the Medical Board or the Medical Officer for his age assessment. It is evident that the worker's age record is wrong in the company, but the management has not followed the same. Sri Manjeri Laxmaiah, when he was appointed on 5-11-1954 a service book was prepared and his five fingers impression was also obtained. In which his age on that date was recorded by the clerk as 22 years. On 11-5-1958 the worker was terminated and on 27-3-1959 he was reinstated. The age assessment was not done. This is evident that the worker's age assessment not done during Sri Manjeri Laxmaiah's service, but the Management saying that the worker's age as on 18-4-1969 to be 32 years. Where from this age has come is best known to the management. The management did not honour the Clause No. 3 of their own age retirement rules but honoured Clause No. 4 only. It is evident that the memorandum of Settlement dt. 17-9-1965 that the age record of the company of the worker are not correct. Without honouring the above age retirement rules, Memorandum of Settlement and F.P.O. Circular the management's action in the case of Shri Manjeri Laxmaiah, Electrician, Boipalli Mines' termination is illegal and unfair labour practice. It is prayed that the Hon'ble Tribunal may please be order to direct the respondent to take back Sri Manjeri Laxmaiah on duty immediately and pay the back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent read as follows.—In the year 1959 Sri Manjeri Laxmaiah declared his age as 32 years as on 8-11-1959. It may be noticed Sri Manjeri

Laxmaiah is a literate and he declared his age and he signed in English. The management has scrupulously followed the procedure given in the age retirement rules. The allegation that the management has terminated the services of Sri Manjeri Laxmaiah by letter dated 3/4-12-1986 without following the formalities is not correct. It may be noticed on 4-12-1986, 30-10-1987 and 24-11-1987 letters were issued to Sri Manjeri Laxmaiah intimating him that he will be retiring by the 1st December, 1987. The allegation that this workman has submitted a letter on 20-12-1986 stating that his age is 55 years is not correct and no such representation has been made by him to the Management. Having given names of number of employees with regard to their age dispute, the Petitioner Union cannot now ever Sri Manjeri Laxmaiah was not sent to Medical Officer and that the management has terminated his service without following age retirement rules when he was retired from the service. The Joint Bipartite Committee for Coal Industry Guide lines are not applicable to Sri Manjeri Laxmaiah's case as on the date of age determination committee was constituted i.e. in 1988. Sri Manjeri Laxmaiah was retired from service. This is a case of retirement from service on attaining the age of superannuation, but it is not a case of termination. It is submitted the claim made by petitioner union may be dismissed. The workman in dispute is not entitled either for reinstatement or for back wages as prayed for and this Hon'ble Court may be pleased to confirm the action taken by the management.

4. The point for adjudication is whether the action of the Respondent in terminating the services of Sri Manjeri Laxmaiah, Electrician w.e.f. 1-12-1987 without following the age retirement rules 3(iv) and (vi) or not?

5. W.W1 and W.W2 were examined on behalf of the Petitioner Union and marked Exs. W1 to W4. No oral evidence has been adduced by the Respondent but marked Exs. M1 to M5.

6. W.W1 is S. Nagaiah Reddy. In brief he deposed that he is the President of A.P. Collieries Mazdoor Sangh (INTUC) i.e. the Petitioner Union. At the time of his appointment as General Mazdoor the age of M. Laxmaiah was 22 years in 1954. By the date of appointment of M. Laxmaiah as General Mazdoor in 1954, there were no age retirement rules in existence in the Respondent-Company. The age retirement rules were introduced by the Respondent-company in the year 1960 for the first time and they were implemented from the year 1965. After 1965 the management of the Respondent began to retire the workmen who have completed 60 years of age. On that, the workers' Union raised dispute and a settlement was entered into between the management and the Union to the effect that the workmen who have completed the age of 60 years as per the records of the Respondent should be sent for medical examination for assessment of their age to the company's Medical Officer or the Medical Board. Ex. W1 is the true copy of the age retirement rules framed by the Respondent in the year 1959 and the said rules were implemented with effect from January 1965 though they were to be implemented with effect from 3-8-1959 as stated

in preamble of Ex. W1. As per the rules in Ex. W1 an employee who was already in service, his age should be determined as per the rules in Ex. W1 and the said process of determination of the age should be completed within 12 months from the date of framing of the rules as per rule 3 sub-rule 4 of Ex. W1. As the Respondent was retiring the workmen that attained the age of 60 years as per records, without complying the rules in Ex. W1 and determining the age of the workmen within 12 months from the date of Ex. W1, they raised a dispute and therefore the settlement in Ex. W2 was entered into between their Union and the Respondent under Section 12(3) of the I.D. Act. In Ex. W2 the management of Respondent agreed to send the persons who completed the age of 60 years as per record before retiring them. After entering into the settlement in Ex. W2, the Management started sending the workmen to the Medical Officer for assessment of age before retiring them. As per the said item No. 18 in Ex. W3 regarding the age dispute, it is agreed upon by the individual employees who joined the company's service before 1960 and whose age or date of birth as entered into in the service record have not been verified by the company's medical officer after introducing gratuity scheme in 1969 will be sent up to the Company's Medical Officer whenever the age or date of birth is entered in the service record is contested and the opinion of the Medical Officer in this regard shall be final.

7. W.W2 is Manjeeri Laxmaiah. He deposed that he was appointed in the year 1954. At the time of appointment, his age was 22 years. His age is recorded in service book and finger prints were also taken in the service book. He was not referred to Medical Board for assessment of his age. Subsequently he was removed from service in 1958. Again he was taken into service on 27-3-1959. Again at the second time the service book was prepared along with his finger prints. He was removed from service in the year 1988. At the time of his removal, management issued mere termination notice dt. 4-12-1986. He has given reply to the said termination notice. After removing him from service, he made representation to the management regarding his illegal termination.

8. In this case, the allegation of the Petitioner workmen that Sri Manjeeri Laxmaiah was appointed on 5-11-1954, then his age was 22 years, and recorded in service book, that the age assessment was not done by the Medical Board or Medical Officer, ultimately Sri Laxmaiah's services were terminated illegally on 11-5-1958, that the Management came to understand that it was a mistake and he was reinstated on 27-3-1959, that though he was taken on duty but he was not sent to the Medical Board for age assessment. The contention of the Petitioner-workman that the Age Retirement Rules came into force in the year 1960, that the Management has not followed the same in this case but gave Sri Laxmaiah a termination notice dt. 3/4-12-1986 without following the above formalities.

9. It is stated in Rule 3(iv) & (vi) as follows :

"In case of employee already in service of the date of the issue of this Circular, their age should be determined in accordance

with the provisions of this Rule. The work should be completed within a period of 12 months from the date of issuing of this Circular and in case of illiterate employee the declared date of birth shall be recorded by a senior employee and witnesses by another employee".

Here in this case the Respondent-Management has not followed the above rule but terminated Sri Manjeeru Laxmaiah by a notice dated 3/4-12-1986. There is another Memorandum of Settlement dt. 17-9-1969 and C.P.O. Circular dt. 26-10-1983 that any employee contesting his age record is wrong the Management has to send the worker to the Medical Board or the Medical Officer for his age assessment. When it was found that the worker age record is wrong in the Company record, the Management should have not followed the above procedure but it failed to do so. Hence I find that the action of the Management in terminating the workman is illegal and unjustified since it had not followed the above procedure. It is seen that Sri Manjeri Laxmaiah when he was appointed on 5-11-1964 a service book was prepared and his fingers impression was also obtained in which his age on that date was recorded by the Clerk as 22 years, that on 11-5-1958 the worker was terminated and on 27-3-1959 he was reinstated, there also a new service book was prepared and his five finger impressions were also taken. Even in the above even also he was not sent to the Medical Officer for his age assessment. It is also evidence that the worker's age assessment not done during Sri Manjeeri Laxmaiah's service. The Respondent Management said that the worker's age as on 18-4-1969 to be 32 years. It is pertinent to note from where this age has come to be is best known to the Respondent-Management. Hence considering all the facts and circumstances of the case, the Management has not honoured the Clause 3 of their own Age Retirement Rules and it is also evident that the Memorandum of Settlement dt. 17-9-1965 that the age record of the Company of the worker were also not correct. Hence I find that without following the above age retirement rules, Memorandum of Settlements and C.P.O. circular, the Respondent Management's action in the case of Sri Manjeri Laxmaiah, Electrician, Boipalli Mines' Termination is illegal and unfair labour practice.

10. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Bellampalli in terminating the services of Sri Manjeri Laxmaiah, Electrician, Boyapalli No. 1 Incline, w.e.f. 1-12-1987 without following the age retirement Rules 3(iv) and (vi) and not referring the case to the Age Determination Committee is not justified. The Respondent-Management is directed to take back Sri Manjeri Laxmaiah on duty immediately and pay the back wages together with attendant benefits from the date of his termination until he is taken on duty.

Award passed accordingly.

Typed to my diction, given under my hand and the seal of this Tribunal, this the 31st day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I



## APPENDIX OF EVIDENCE

## Witnesses Examined on behalf of the Petitioner-Workman :

W.W1.—S. Nagaiah Reddy.

W.W2.—M. Laxman.

## Witness Examined on behalf of the Respondent-Management :

Nil.

## Documents marked for the Petitioner-Workmen

Ex. W1.—The Copy of the Age retirement Rules.

Ex. W2—26-2-1985.—True Copy of the Memorandum of Settlement arrived between the Workmen and the Management of M/s. S.C. Co. Ltd., Bellampalli.

Ex. W3—17-9-1969.—True Copy of the Memorandum of Settlement arrived between the workmen and the Management of M/s. S.C. Co. Ltd., Kothagudem.

Ex. W4—17-9-69.—True Copy of the Memorandum of Settlement arrived between the Workmen and the Management of M/s. S.C. Co. Ltd., Kothagudem.

## Documents marked for the Management

Ex. M1.—Service Record.

Ex. M2.—Pay Sheet.

Ex. M3—23-8-69.—Letter to issue age certificate for life insure.

Ex. M4—24-9-1969.—Certificate of age as per the Service Record.

Ex. M5.—Letter of M. Laxmaiah withdrawing from the conciliation.

नई दिल्ली, 3 मई, 1994

का.आ.1296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[सं. एल. 22012/86/90-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 2-5-1994.

[No. L-22012/86/90-IR(C-II)]

RAJA LAL, Desk Officer.

## ANNEXURE

## BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

## PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 15th day of April, 1994

## INDUSTRIAL DISPUTE NO. 53 OF 1990

## BETWEEN

The Workmen of Singareni Collieries Company Limited, Beslampalli and Kalyani Khani Divisions. . . Petitioner

## AND

The Management of Singareni Collieries Company Limited, Bellampalli and Kalyani Khani Divisions. . . Respondent

## APPEARANCES :

Sri B. Ganga Ram, Chief Vice President, S.C. Workers Union for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

## AWARD

The Government of India, Ministry of Labour by Order No. L-22012(86)/90-IR(C. II) dattd 26-8-90 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Bellampalli and Kalyanikhani Division and their workmen to this Tribunal for adjudication :

“Whether the action of the Management of S.C. Co. Ltd., Kothagudem in implementing the Section 52(10) of Mines Act, 1952 w.e.f. 1-1-1990 instead of 31-5-1984 (date of enforcement) is justified? If not, to what relief the workmen are entitled to?”

This reference is registered as Industrial Dispute No. 53 of 1990 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows : The Management of Singareni Collieries Company Limited, Kothagudem which is in the Public Sector had flatly refused to implement the provision of Section 52(10) of the Mines Act, 1952 as amended by the Act 42 of 1983 which received the assent of the President of India on 25-12-1983 and came into force w.e.f. 31-5-1984. As per the provisions if the workmen



employed in the Mines is discharged, dismissed or quits his employment or superannuated or died while in service in the middle of the year, he should be paid earned leave proportionately to him, his heirs, or his nominee as the case may be. As per the above amended Mines Act, the management should pay the arrears of proportionate earned leave wages with effect from 31-5-84 to all those workers, who have left the service during middle of the year as stated in Item IIB above. The conciliation proceedings held 16 times during the period from 5-8-1988 the date of raising dispute to 12-1-1990 and on 12-1-1990 i.e. on the 17th occasion, the Management flatly refused to implement the Law amended and passed by the Indian Parliament and came out with a circular dated 11-1-1990 that management will only implement w.e.f. 1-1-1990 instead of 31-5-1984 the date of enforcement. The circular issued by the Company is nothing but clear violation of law of the land. In the failure of conciliation report dated 16-2-1990, the Assistant Labour Commissioner(C), Mancherial has specifically mentioned that the management failed to submit their written comments inspite of repeated requests. This itself is a proof that how carelessly the Respondent—is behaving towards the Laws, Rules and Regulations passed by the Parliament and appropriate Government authorities. As a matter of fact, the management is not implementing the amended Act properly. Due to the refusal of the management to implement the amended Mines Act for above 6 years i.e. from 31-5-1984 to 21-7-1990 several hundreds of retired workers have been deprived of this legal benefit. Now the ex-workers are in their native places and some of them have expired also, hence due to violation of Law by the management the workers should not suffer and now it is the full responsibility of the management to pay the arrears of the proportionate earned leave to the ex-workers, their heirs and nominees. The management should send letters to the workers or their addresses of native places and arrange to pay the arrears to all those workers who left jobs after 31-5-1984 due to different reasons. The Director General Mines Safety, Government of India, Ministry of Labour also did not take any action during these 6 years for implementation of the amended Mines Act, 1952 and Amended Mines Rules, 1989 so far. It is prayed that the Hon'ble Tribunal to take stern action on the violation of amended Mines Act, 1952 by the Singareni Collieries Company Limited and see that the Management implements the amended Mines Act 1952 by sending notices to all those workers (or their nominees) who left jobs after 31-5-1984 and the arrears of earned leave be paid to them fully without any condition.

3. The brief facts of the counter and additional counter filed by the Respondent—Management read as follows:—It is submitted that after the above matter was referred to this Hon'ble Tribunal it was numbered as I.D. No. 53/1990 and this Hon'ble Tribunal gave notice to the Management as well as the union and the Union has received the notice. For the reasons best known to them they have not chosen to appear before this Hon'ble Court or file their claim statement. It may be noticed that Sri B. Ganga Ram, Chief Vice President, S.C. Workers' Union raised the I.D. and participated in the conciliation and also attending to this Hon'ble Court

in various other cases, but he has not chosen to file the claim petition. In the recent past the modus operandi of the Unions is though they are aware of the reference and notices were sent intentionally they are not appearing and make the management to file counter on merits and basing upon the counter they are filing their claims statement. The modus operandi is bad in law and also causes much prejudice to the management if they file counter without knowing the contentions of the Union in its claim statement. In these circumstances management is reserving its right to file its counter with regard to contentions of the Union in the event after filing the counter on merits of the Union reopens the matter and its claim statement. The allegation that the management refused to implement the provisions of the Section 52(10) is not correct. It may be noticed that the management issued two circulars in reference No. P. 40/4707/IR/57 dated 11-1-1990 and No. P. 40/4707/IR/584 dated 27-3-1990 to all the Pits and Departments to implement the amendment from the date it came into force. Necessary instructions have already been given to the implementing authorities to pay the wages in lieu of earned leave proportionately either to the workmen or to their legal heirs after due verification of the records. To the knowledge of the management all those who are eligible for proportionate earned leave and who have left the services in the middle of the year were paid. Only to prejudice the case of the Management the petitioner has chosen to make the allegation that the Respondent is not complying with the rules and regulations and laws passed by the Parliament and appropriate Government authorities, which is not correct. The allegation that the management is not implementing the Amended Act properly is not correct. The procedure is that the workmen have to submit their applications and after verification of the records they are paid the wages for earned leave proportionately. The Union has no right to pass a general remark that the management refused to implement the amended Mines Act and several hundred of retired workers could not get the benefit and they are deprived of for six years. The petitioner Union cannot ask that the management should address letters to them and arrange the payments. The reference only deals with whether the management has enforced the amended Act or not. In the reference it deals with Section 52(10) of the Amended Mines Act but not with notification No. G.S.R. 707(E) dt. 21st July, 1989 as per the amended Mines Rules. It is outside the scope of reference. Though in the previous counter it was made clear that without pointing out the names of the workers in respect of whom the implementation has not been made, question of adjudication does not arise. In view of the above mentioned facts, this Hon'ble Court may be pleased to dismiss the claim petition with costs.

4. The point for adjudication is whether the action of the Respondent-Management in implementing the Section 52(10) of Mines Act, 1952 w.e.f. 1-1-90 instead of 31-5-1984 (the date of enforcement) is justified or not?

5. No oral or documentary evidences have been adduced by both the parties.

6. The issue in this dispute is that the Mines Act 1952 was amended vide Amended Act No. 42 of 1983 which received assent of the President of India on

25-12-1983 and it came into force w.e.f. 31-5-1984 after publication in the Central Government Gazette but the Management did not implement the amended Mines Act w.e.f. 31-5-1984 the date of enforcement. The contention of the Petitioner Union that hundreds of workers already retired, discharged or died, during the period of six years i.e. after 31-5-1984 do not know about this benefit of proportionate earned leave since they are in their native village. As the Management failed to implement the law w.e.f. 31-5-1984 for a period of above six years and deprived of several hundreds of workers, hence the Petitioner Union demanded that Management should address letters to the ex-workers on their home addresses that either themselves or their legal heirs should come and apply for the proportionate earned leave. Except this procedure there is no other methods of intimating the ex-workers who are in their native villages. It is mentioned in the written argument of the Petitioner-Union that as per the provisions of Mines Amended Act, if the worker employed in the Mines, are discharged, dismissed or quit his employment or superannuated or died while in service in the middle of the year, he should be paid earned leave proportionately to him, his legal heir or his nominee as the case may be. The contention of the Petitioner-Union that the whole coal industry in India implemented the law w.e.f. 31-5-1984 but only the Singareni Collieries took such a negative attitude not to implement the law. Later it is seen that the Management refused to pay proportionate earned leave to the workers retired during the period of six years i.e. between the period from 31-5-1984 to 11-1-1990. It is alleged on behalf of the Petitioner Union that the Respondent received a reply from the Chairman of Coal India Limited that the amended mines act was already implemented in all the coal fields throughout India w.e.f. 31-5-1984 and the question of non-implementation of the Law passed by the Parliament does not arise. On receipt of the reply from the Chairman, Coal India Limited, the Respondent-Management took the stand that the act will be implemented from 11-1-1990 and refused to pay proportionate earned leave to the workers already left jobs prior to 11-1-1990. The case of the Petitioner Union that the management did not implement the Act before 1-1-1990 and for the cases of prior to 1-1-1990 the Management agreed to implement with effect from 21-7-1990 only in their 2nd Circular. It is seen that this circular was issued after sending of the failure report dt. 16-1-1990 to the Central Government Ministry of Labour, New Delhi. It is seen that the Respondent-Management issued 2nd Circular dt. 21-7-1990 to implement the law for the ex-workers who left job before 1-1-1990 but imposed a condition that if the workers submit applications, the management will pay their proportionate earned leave. But the case of the Petitioner-Union that no condition should be imposed while implementing the Act, by the Respondent-Management. The case of the Petitioner-Union that since due to non-implementation of the Section 52(10) of the Amended Mines Act 1952 w.e.f. 31-5-1984 i.e. the date of enforcement and the delay of above six years i.e. from 31-5-1984 to 21-7-1990 the ex-workers who left jobs prior to 21-7-1990 are in their native villages and they do not know about this legal benefit in the retiring year. The demand of the Petitioner Union that since the Management has got the home addresses of all the ex-workers,

the Management should send notices on their home addressed that they should come and apply for the proportionate earned leave for the last year of their service. To this the Respondent committed a mistake of not sending notices to the ex-workers. I find that the Petitioner-Union was right in demanding that the Respondent Management should send notices to the ex-workers to come and apply for the proportionate earned leave for the last year of their service, then only the ex-workers or their legal heirs will come and apply to the concerned Managers and get the legal benefits conferred by the Amendment Mines Act 1952. This is the only way for rectification of the mistake committed by the Respondent-Management.

7. In the result, the action of the Management of Singareni Collieries Company Limited, Kothagudem in the implementing the Section 52(10) of Mines Act, 1952 w.e.f. 1-1-1990 instead of 31-5-1984 (date of enforcement) is not justified. The Respondent is directed to address the letter on the home addresses of the ex-workers or their legal heirs (who left the job after 31-5-1984 and upto 21-7-1990) to approach the concerned Managers to get the benefit of the proportionate earned leave as per Section 52(10) of the Amended Mines Act, 1952 and the arrears should be paid to them without any condition.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 15th day of April, 1994.

Y. VENKATACHALAM, Presiding Officer.  
Appendix of Evidence.

Nil

नई दिल्ली, 3 मई, 1994

का.आ. 1297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एम सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच संबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 2-5-94 को प्राप्त हुआ था।

[सं. एल. 22012/305/91 आई-आर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 2-5-1994.

[No. L-22012/305/91-IR(C. II)]  
RAJA LAL, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD

## PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial  
Tribunal-I.

Dated : 15th day of April, 1994

INDUSTRIAL DISPUTE NO. 17 OF 1992

## BETWEEN

General Secretary, Adilabad Zilla, Lorry Drivers  
and Cleaner Union, Bellampalli, Adilabad  
District—A.P. Petitioner

## AND

The Management Singareni Collieries Company  
Limited, represented by its Director (PA&W)  
Kothagudem, Khammam District, A.P.,  
.. Respondent

## APPEARANCES :

M/s. P. Venkateswarlu & N. Krishna Murthy,  
Advocates for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates  
for the Respondent.

## AWARD

The Government of India, Ministry of Labour, by  
its Order No. L-22012/305/91-IR(C. II), dt. 11-3-1992  
referred the following dispute under Section 10(1)(d)  
(2A) of the Industrial Disputes Act, 1947 between  
the management of Singareni Collieries Company  
Limited, Kothagudem and their Workmen to this  
Tribunal for adjudication :

"Whether the action of the management of S.C.  
Co. Ltd., Kothagudem in not accepting the  
following demands of the Adilabad Zilla  
Lorry Drivers & Cleaners Union, Bellampalli,  
is legal and justified? If not, to what relief  
the concerned workmen are entitled for?"

(a) Singareni Coal Transport Lorry Drivers  
and Cleaners should be made Permanent  
in S.C. Co. Ltd.,

(b) Medical Treatment to the families of con-  
tract labourers, drivers and cleaners in the  
Singareni Hospital.

(c) Providing housing sites to coal tipper  
workers".

This reference was registered as Industrial Dispute  
No. 17 of 1992 and notices were issued to both the  
parties.

2. The Petitioner Union filed their claim statement  
on 19-12-1992 along with their Annexures 'A' and  
'B'. The Respondent Management has not filed any  
counter but filed Petition in I.A. No. 23 of 1993 and  
this Tribunal passed an order in I.A. No. 23/93 today  
i.e. 15-4-1994 stating that this Tribunal has no juris-  
diction to adjudicate this matter. Hence this reference  
is terminated on the ground that this Tribunal has no  
1262 GI/94—9.

jurisdiction to adjudicate the matter.  
Award passed.

Typed to my dictation, given under my hand and  
the seal of this Tribunal, this the 15th day of April,  
1994.

Y. VENKATACHALAM, Presiding Officer.  
Appendix of Evidence

NIL

नई दिल्ली, 3 जून, 1994

का.प्र. 1298.—औद्योगिक विवाद अधिनियम 1947  
(1947 का 14) की धारा 17 के अन्तर्गत में एस सी  
सी एन. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों  
के बीच अतुल्य में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय  
सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रका-  
शित करता है जो केन्द्रीय सरकार को 2-5-94 को प्राप्त  
हुआ था।

[सं. एल. 22012/142/89-आई आर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 3rd May, 1994

S.O. 1298.—In pursuance of Section 17 of the  
Industrial Disputes Act, 1947 (14 of 1947), the  
Central Government hereby publishes the award of  
the Industrial Tribunal, Hyderabad as shown in the  
Annexure, in the industrial dispute between the em-  
ployers in relation to the management of SCC Ltd.  
and their workmen, which was received by the Cen-  
tral Government on 2-5-1994.

[No. L-22012/142/89-IR(C-II)]  
RAJA LAL, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD

## PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial  
Tribunal-I.

Dated : 8th day of April, 1994

INDUSTRIAL DISPUTE NO. 83 OF 1989

## BETWEEN :

The Workmen of Singareni Collieries Compa-  
ny Limited, Bellampalli. ..Petitioner

## AND

The General Manager,  
Singareni Collieries Company  
Limited, Bellampalli. ..Respondent

## APPEARANCES :

S/Sri G. Vidyasagar, N. Vinesh Raj & P. Giri  
Krishna, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, V. Ranga  
Reddy & Ch. Praveen Choudhary, Advocates  
for the Respondent.

## AWARD

The Government of India, Ministry of Labour,  
by its Order No. L-22012(142)/89-IR(Coal-II),

dt. 20-11-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the management of Singareni Collieries Company Limited and their workmen to this Tribunal for adjudication.

"Whether the action of the Management of M/s. S.C.Co. Ltd., in terminating the services of Sri J. Rajam without referring case to the Age Determination Committee Medical Board w.e.f. 1-12-1988 is justified? If not, to what relief the workman is entitled?"

This reference was registered as Industrial Dispute No. 83 of 1989 and notices were issued to both the parties.

2. The brief facts of the claims statement filed by the Petitioner-Workmen read as follows :—It is submitted that Sri Junuguri Rajam, General Mazdoor Shanti Khani, Bellampalli was appointed on 7-3-1962. At that time he was sent to the dispensary for medical fitness. After he was made fit he was taken on duty. On 11-3-1962 a Bonus card was given to him in which his age was stated as 29 years as on 11-3-1962 and his actual age was 29 years only. But age assessment was not done by the Medical Officer Medical Board. His age assessment was not done from the date of his appointment till to date. His age was not assessed by the Medical Officer till his termination. The age retirement rules came into force in 1960. But they were not implemented until 1965. Those who were appointed after the implementation of the Age Retirement Rules, such worker should have age assessment compulsorily as per the Age Retirement Rules. The said formula should be meant for the workers who were appointed after the implementation of the Age Retirement rules. The management have to follow the same but the management did not follow the above formalities in this case but the management with adamant policy termination notice was given vide letter dt. 13/17-7-1987 with effect from 1-12-1988 Immediately on 24-7-1987 the worker contested saying that his present age is running 56 years but not 60. But the management did not take any action. Immediately the worker submitted an application with Bonus Card, Identity card and Black card saying that according to the identity card he has to retire on 1-10-1988. According to the Black Card he has to retire on 29-11-1993. This is evident that there is variation but the management did not take any action. The Union has raised a dispute contesting his age as 56 running but not 60 and requested them to continue his services w.e.f. 1-12-1988 or to send him to the Medical Board for his age assessment. But the management did not take any action and terminated on 1-12-1988 illegally. Therefore the authorities altered the age. After alternation they say that they are not responsible. Thus saying they are trying to escape. This is unfair labour practice of the authorities. The main dispute is as per the Age Retirement Rules, Memorandum of Settlements and C.P.O.'s circular before termination of the workers he should be sent to the Age assessment by the Medical Officer. In this case the management has not followed the same but terminated simply with their own decision as the worker has completed 60 years of age. Under these circumstances it is praye

that the Hon'ble Tribunal may please be ordered to direct the management to take Sri J. Rajam on duty immediately and pay back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent—Management read as follows :—

It is submitted Sri J. Rajam had initially joined as General Mazdoor in 1960. The allegation that at the time of his joining he was of 29 years old is not correct. The allegation in those days there was no age assessment done by the Medical Officer and there were no age assessment rules and there was no interest to the management regarding age is totally false. It is also laid down in those rules that where documentary evidence of age or date of birth is not produced at the time of first appointment, the candidates shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon & Medical Officer, at the time of medical examination who shall assess the age and record it. According to the service record the management issued one year advance notice to the petitioner intimating him that he will be retiring from Company's services on 1-12-1988 vide their letter dt. 17-7-1987 and the notice was received by the workman and he was retired on 1-12-1988. The notice dated 17-7-1987 is an advance notice for retirement related to superannuation but it is not a notice of termination. Thus on 17-9-1969 after due discussions with the Union, the management issued a Circular in 1983 which is based upon the memorandum of settlement dt. 17-9-1969. If any employee contests with regard to his age, he should be sent to the Medical Officer for assessment of his age. The allegation that the management has simply terminated the working in dispute from service with their own decision stating that the worker has completed 60 years is not correct. The allegation that the management has not sent him to the Medical Board Medical Officer and that it is the fault on the part of the management is not correct. It is submitted so far as the workman in dispute is concerned there is no dispute between the workman and the management till the date of advance notice of retirement. The B-Register is authenticated one and the petitioner herein at the fag end of his service after receipt of retirement notices submitted an application that he was 29 years as on 11-3-1962 and he will be attaining the superannuation after three years is not correct. The petitioner was rightly retired from service w.e.f. 1-12-1988 and he has already received the terminal benefits. There are no merits in the petitioner's case. As such the petitioner is not entitled to claim reinstatement or back wages as prayed for. In view of the above mentioned facts, this Hon'ble Tribunal may be pleased to dismiss the claim petition and confirm the action taken by the Management and pass necessary orders in the circumstances of the case.

4. The point for adjudication is whether the action of the Respondent-Management in terminating the services of Sri J. Rajam without referring case to the Age Determination Committee Medical Board w.e.f. 1-12-1988 is justified or not?

5. W.W1 was examined on behalf of the Petitioner-workman and marked Exs. W1 to W7. M.W1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M5.

6. W.W1 is S. Nagaiah Reddy. In brief he deposed that he is the President of A.P. Collieries Mazdoor Sangh i.e. the Petitioner-Union. The concerned workman in this case is Junuguri Rajan, General Mazdoor, member of their Union. The said workman was appointed as General Mazdoor on 7-3-1962. At the time of his appointment, his age was recorded 29 years as on 11-3-1962. He was not sent for medical examination for assessing his age. The age retirement rules 1960 Ex. W1 were in existence at the time of his appointment. As per the rules workman has to be sent for age determination before appointing them in the company. The said procedure was not followed in respect of the workmen. The concerned workman vide Ex. W2 dt. 14-9-1988 made a representation to the Company for assessment of his age. Vide Ex. W3 the Manager, Shantikhanji by letter dt. 22-10-1988 informed the workman to produce the records for assessing his age. The workman has submitted the record available with him to the management. However his age was not assessed as per the age retirement rules. The management has entered into settlement with Tandur Coal Mines Labour Union on 26-2-1965 wherein it was agreed to refer all the workers to the Medical Officer for assessing the age for proper entry in the record. The settlement is Ex. W6. However, in case of the workman they have not sent the workmen for medical examination for making entry in the records of the workmen. The Union prays that the termination of workman before sending him to medical examination is illegal.

7. M.W1 is C. Gopala Rao. He deposed that he knows the facts of the case. The petitioner was appointed on 5-9-1960 and retired on 30-11-1988. His age was recorded as 32 years as on the date i.e. 30-11-1960. Ex. M1 is the service book of the petitioner in which the age is recorded. The service book and 'B' Register are the main records to take the date of birth into consideration for superannuation and other purposes. On attaining 60 years of age, the petitioner was retired. He retired on 30-11-1988. The dispute was raised on 24-9-1988 just before two months retirement. Ex. M2 is the letter dt. 13-2-1987 issued to the petitioner informing the date of superannuation, one year prior to the date of retirement. Ex. M3 is a xerox copy of circular dt. 1-8-1988. Ex. M5 is the xerox copy of memorandum of settlement dt. 21-3-1990. The age for the workmen will be noted down as per the certificate furnished by the literate persons do and for illiterate persons the dates will be noted down as per the statement given by the concerned workman, which will be certified by the Medical Officer in case the Medical Officer will not agree with the statement given by the workmen, he will examine and assess the age. The petitioner received terminal benefits without any protest.

8. At the every outset, I would like to state that Sri Junuguri Rajam, General Mazdoor, Shanti Khani, Bellampalli was appointed on 7-3-1962, that he was taken on duty after he was sent to the dispensary for medical fitness. That on 11-3-1962 a Bonus Card was given to him where in his age was stated as 29 years as on 11-3-1962. It is seen that Age assessment was not done from the date of his appointment till today, i.e., till his termination. The

contention of the Petitioner-workman that the Age Retirement Rules came into force in 1960, but they were not implemented until, 1965. It is seen that those who were appointed after the implementation of the Age Retirement Rules, such worker should have age assessment compulsarily as per Rules L 3(1) of the Age Retirement Rules. Rule 3(1) is as follows :

“(i) Every person, on entering Company's service shall declare his date of birth which shall not differ from any declaration expressed or implied for any public purpose before entering Company's service. The date of birth as recorded in a school or a college certificate will be accepted without any modification. Whether documentary evidence of age or date of birth is not produced at the time of first appointment, the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer, at the time of Medical examination who shall assess the age and record his own opinion on the medical certificate of health in the following forms:

‘After consideration of the candidates own statement, the evidence produced before me and his general appearance, I consider his age to be.....years’

The age as given by the Chief Surgeon and Medical Officer shall be accepted as final.”

Here in this case, Sri Junuguri Rajam was appointed on 7-3-1962 and on 11-3-1962 he was given Bonus Card showing his age as 29 years as on 11-3-1962. But as per the Age Retirement Rules, the Respondent Management should have followed Rule 3(1) of the Age Retirement Rules which mentions that when the documentary evidence of age or date of birth is not produced at the time of first appointment, the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer, at the time of Medical Examination who shall assess the age and record his own opinion on the medical certificate of health. The Respondent Management has not applied the above procedure before issuing the termination notice. It is seen that immediately on 24-7-1987 the Petitioner workman contested saying that his present age is running 56 years but not 60. To this the Management did not take any action. Then the Petitioner workman submitted another application with Bonus Card, Identity Card and Black Card saying that according to the identity card he has to retire on 1-10-1988, that according to the Black Card he has to retire on 29-11-1993. Thus there is evidence variation still the Respondent Management did not take any action for this variation. It is pertinent to note that the Union who espoused the cause of the Petitioner-workman, raised a dispute with the General Manager dated 24-9-1988 contesting the age of the petitioner as 56 running but not 60 and requested them to continue him in service w.e.f. 1-12-1988 or to send him to the Medical Board for his age assessment. In this particular case also the Management was adamant in not taking any action and illegally terminated the petitioner workman on 1-12-1988. As said earlier, during 1962 Bonus Card was given to the Petitioner-

workman in that his age was shown as 29 years on the date of his appointment. Then the authorities taken the bonus card on 28-8-1968 altered the age as 29 years to 32 years as on 5-4-1960 and signed in it. The management said that they do not know about the alteration and the workman might have altered the age. It is true the worker will decrease his age but not increase. This goes to prove that the Management must have definitely altered the age. It is curious to see that the Petitioner-workman was appointed on 7-3-1962 but the alteration of age as 29 years to 32 years as on 5-4-1960 is quite wrong. This clearly shows discrimination on the part of the Respondent-Management in altering the age of the petitioner workman illegally terminated him from service w.e.f. 1-12-1988. In this case the Respondent-Management has not followed the Age Retirement Rules, Agreements and C.P.O's Circular which are in force. So without honouring the above Age Retirement Rules, Memorandum of Settlements and C.P.O's Circular the Management's action of Sri J. Rajam, General Mazdoor, Shanti Khani, termination is illegal and not justified.

9. In the result, the action of the Management of M/s. Singareni Collieries Company Limited in terminating the services of Sri J. Rajam without referring case to the Age Determination Committee Medical Board w.e.f. 1-12-1988 is not justified. The Respondent-Management is directed to take Sri J. Rajam on duty immediately and pay back wages from the date of his termination until he is taken on duty, with all attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this 8th day of April, 1994.

Y. VENKATACHALAM, Presiding Officer.

#### APPENDIX OF EVIDENCE.

##### Witnesses Examined

##### for Workman :

W.W1 S. Nagaiah Reddy

##### Witnesses Examined

##### for Management :

M.W1 C. Gopal Rao

##### Documents marked for the Petitioner/Workmen :

Ex. W1 Age Retirement Rules—1960

Ex. W2 14-9-88 Representation of the workman to the Management for assessment of his age.

Ex. W3 22-10-88 Letter given by the Management for assessing the age.

Ex. W4 5-12-88 Conciliation application.

Ex. W5 Minutes of Conciliation.

Ex. W6 Settlement with regard to the rules for sending the workman to age determination committee.

Ex. W7 Conciliation failure report.

##### Documents marked for the Respondent/Management :

Ex. M1 Service Records of the petitioner.

Ex. M2 13-2-87 Letter issued to the Petitioner informing the petitioner about the superannuation.

Ex. M3 1-8-88 Xerox copy of circular.

Ex. M4 Xerox copy of Rule 76 of NCWA. III.

Ex. M5 21-3-90 Xerox copy Memorandum of Settlement.

नई दिल्ली 6 मई, 1994

का.आ. 1299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एस सी सी एल के प्रबंधन के संबद्ध निवासियों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करने हैं, जो केन्द्रीय सरकार को 29-4-94 को प्राप्त हुआ था।

[सं. एल-22012/24/93 आई आर (सी-4)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 6th May, 1994

S.O. 1299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on the 29-4-94.

[No. L-22012/24/93 IR CII]  
RAJA LAL Desk Officer

#### ANNEXURE

##### BEFORE THE INDUSTRIAL TRIBUNAL,

##### HYDERABAD-II AT HYDERABAD

##### PRESENT :

Sri M. Venkata Raju, B.A., LL.B., Chairman.

Dated : 11th March, 1994

I.D. No. 3 of 94 (Central)

##### BETWEEN

The Central Vice President,  
S. C. Workers Union (AITUC),  
Coal Chemical Complex,  
Naspur-504302,  
Adilabad Dist. (A.P.). —Petitioner/Workmen.

##### AND

The General Manager (Personnel),  
M/s. SCC Limited,  
H. O. Kothagudem,  
Khammam Dist. (A.P.)—Respondent/Management.

This Industrial Dispute coming for hearing before me on 11-3-1994, upon perusing the reference and other material papers on record and both the parties being called absent this Tribunal passed the following :

## AWARD

This is a reference made under Section 10(1) (d) of the I.D. Act, 1947 by the Government of India, New Delhi through its Order No. L-22012/24/93-I.R. (C.II), dated 7-2-1994 for adjudication of the Industrial Dispute between the Management of Singreni Collieries Company Limited, Kothagudem and their workmen represented by (AITUC, Naspur) setting forth the point for consideration in the Annexure appended there to as follows :

"Whether the action of the Management of M/s. SCC Ltd., Kothagudem in not protecting the basic wages, leave and length of past service of Sri G. Rajamallu, S. V. Raghava Rao, B. Satwaju, J. Sarvaiah, B. Gopal Reddy A. Ramanaiah, the post of Clerk Grade-II at par with other internal candidates is legal and justified? If not, to what relief the workmen are entitled to?"

2. The said reference was registered on 11-2-94 as Industrial Dispute No. 3 of 1994 (Central) on the file of this Tribunal. Notices have been issued to both the parties.

3. The case has been posted from time to time for appearance and Vakalat. On 25-2-1994 both the parties were called absent despite the service of Notices and the matter was posted again to 1-3-94 for appearance to give one more chance. Petitioner/workers Union was called absent on 1-3-1994 and Smt. J. Syamala, Advocate representing Respondent/Management offered to appear along with her Senior Sri. K. Srinivasa Murthy. Again the Tribunal issued fresh notice to petitioner/Union and posted the dispute to 7-3-1994 for Vakalat and Appearance. Again on 7-3-1994 the case was adjourned to 11-3-1994 for appearance and Vakalat and on 11-3-1994 both the parties were called absent despite service of notices. There was no representation. It appears that the parties are not interested in prosecuting this matter. Hence the reference is closed.

In the result NJL Award is passed.

Dictated to typewriting and corrected by me on this the 11th day of March, 1994 and given under my hand and the Seal of this Tribunal.

M. VENKATA RAJU, Chairman

## APPENDIX OF EVIDENCE

No Oral or documentary evidence has been adduced on either side.

नई दिल्ली 6 मई, 1994

का. प्र. 1300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार नेशनल डेरी रिसर्च इंस्टीट्यूट, करनाल के प्रबंधन के संबंध निधियों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-5-94 को प्राप्त हुआ था।

[संख्या एल-42012/61/90-आई.आर. (डी.यू.) (पार्टे)]

के. बी. बी. उन्नी, हेड ऑफिसर

New Delhi, the 6th May, 1994

S.O. 1300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in Annexure, in the industrial dispute between the employers in relation to the management of National Dairy Research Instt., Karnal and their workmen, which was received by the Central Government on 5-5-94.

[No. L-42012/61/90-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 194/90

Rajbir Singh Vs. National Dairy Research Instt.

For the workman : Shri N. P. Mittal

For the management : Shri D. S. Virk

## AWARD

Central Govt. vide gazette notification No. L-42012/61/90-I.R.(DU) dated 3-12-90 issued U/S 10(1)(d) of Industrial Dispute Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the management of National Dairy Research Institute, Karnal in terminating the services of Sh. Rajbir Singh, S/o Sh. Lehna Ram Tractor Driver w.e.f. 2-1-1987 is justified? If not, what relief the workman concerned is entitled to and from what date?"

2. Case of the present petitioner as set out in the statement of claim that he was appointed initially as tractor driver through employment exchange w.e.f. 22-4-1985 at fixed salary of Rs. 600/- per month without any allowance. His work and conduct was good and to the entire satisfaction of his superior. A certificate was issued in this respect on 6-11-1985. He is stated to have continued up to 1-1-87 with short breaks given by the management and worked for 350 days during the said period. His services stated to have terminated w.e.f. 13-12-1985 on the completion of 235 days simply by using unfair labour practice so that he may not be able to complete 240 days. The said action was illegal and in violation of Chapter V(A) of the Industrial Disputes Act 1947. Further plea of the petitioner that thereafter, the management had again conducted fresh interview on 28-8-1986. The petitioner was also called and selected and appointed as daily paid tractor driver w.e.f. 8-9-1986 at a fixed salary of Rs. 650/- per month. His services were again terminated w.e.f. 2-1-1987 even though the work had existed and instead of continuing the petition the management employed some other fresh person and gave the work to contractor. This amount to intentional and illegal act on the part of the management simply to dislodge the petitioner from employment. The petitioner has referred the case of Daily rated casual labour employed in P&T Department Vs. Union of India AIR



1987 S.C. 2342 and has pleaded that the termination of the petitioner w.e.f. 2-1-87 is untenable in the eyes of law and rather void-ab-initio and liable to be set aside. The petitioner has also referred the proceedings before the A.L.C. (C) Rohtak indicating that he also pleads in the demand notice that juniors to workman were allowed to continue and fresh juniors were also inducted through the contractor. The petitioner has thus pleaded violation of Section 25-F of the Industrial Dispute Act, 1947 and prayed for reinstated with all consequential benefits.

3. The management contested the claim of the petitioner. In the written statement preliminary objection, the plea has been taken that the petitioner had not completed 240 days in any calendar year and therefore, he has no locus standi to file the present petition. Further objection is that NDR is an educational institution and does not fall in the definition of 'industry'. On merits the plea has been taken that the petitioner was engaged as daily paid tractor driver for specified period and for specific job without any allowance. It was denied that he worked continuously from 22-4-1985 to 2-1-1987 as alleged. According to the management he was engaged on daily wage basis from 22-4-1985 to 7-12-1985 for the period of six months which was further extended for 55 days. Thus the petitioner had only for 230 days from 22-4-1985 to 7-12-1985. He was again engaged as tractor driver for the period 80 days after a gap of 10 months on 4-9-1986 @ Rs. 650 per month. After completion of said specified job his services automatically ceased after the period of 80 days. It was denied that the fresh persons were recruited. It was also denied that services of the petitioner were terminated by using unfair labour practice. The petitioner had not completed 240 days continuous service during any calendar year. No work was available with the management thereafter. Therefore, no further extension could be given to him. It was denied that the juniors were allowed to continue. Further plea of the management that they have given the contract for grass cutting only and not for its transportation from fields to cattle yard of the institute and this job of transportation is being done by the drivers of the institute. Thus the management sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts as claimed in the claim statement.

5. The petitioner filed his affidavit Ex. W1 in evidence. He also relied on the documents Ex. W2 to W5. MW1 J. K. Kewalramani senior admn. officer is the management's witness. He filed his affidavit Ex. M1. He also relied on the documents Ex. M2. The petitioner also got proved the document Ex. W6. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel for the petitioner has argued that the petitioner had worked for more than 240 days during the period 22-4-1985 to 1-1-1987 and the management before terminating his services had not complied with the provision of Section 25-F of the Industrial Disputes Act, 1947 as no retrenchment compensation

and pay in lieu of notice was given to the petitioner and thus sought reinstatement with back wages. I however do not accept the contention raised by the counsel for the petitioner for various reasons. Firstly the petitioner had not worked continuously from 22-4-1985 to 1-1-1987. The petitioner infact had served for two different terms from 22-4-1985 to 13-12-1985 and 8-9-1986 to 2-1-1987. His initial appointment as petitioner's own showing as reflected in Ex. W2 the appointment letter dated 22-4-1985 relied by the petitioner himself was only for six months which was further extended for 55 days vide order dated 18-10-1985 for specified job as evident from affidavit of MW1 J. K. Kewalramani senior admn. officer which has not been controverted by the petitioner in the cross-examination of the said witness. Therefore, his earlier tenure of employment was for the specified period which expired after six months plus 55 days i.e. on 13-12-1985. The said tenure of employment is not in dispute having petitioner never raised any demand notice on the expiry of his term of employment on 13-12-1985. The present reference pertains to the termination w.e.f. 2-1-1987 of the subsequently employment i.e. 8-9-1986 to 2-1-1987. Jurisdiction of this Court is limited and restricted to the issue referred to it by the appropriate government by an order of reference. It can not alter the term of reference of basis of reference. Present reference therefore relates to the term of employment w.e.f. 8-9-1986 to 2-1-1987. In this context evidence of the petitioner himself is very relevant. In cross-examination he had admitted that "I was re-employed through employment exchange w.e.f. 8-9-1986 on the basis of interview dated 28-8-1986. My subsequent appointment was for the period of three months". Thus the appointment of the petitioner was only for fixed and specific period for three months. Clause (bb) of Sub Section (oo) of Section 2 of the Industrial Disputes Act is effective from 18-8-1984. It is remedial provision prospective in nature and apply only to those terminations which take place after the provision was brought to statute book. It provides that the termination of service of the workmen as a result of non-renewal of contract of employment between the management and the workman concerned on its expiry or of said contract being terminated in terms of a stipulation, shall not constitute retrenchment. Therefore, being the petitioner having worked for specified period as said above and the termination had taken effect after 18-8-1984 it has to be held that termination of the services of the petitioner squarely covered by the exclusion clause of Section 2(oo) (bb) of the Industrial Disputes Act 1947 and the management has not violated the provisions of Section 25-F of the Industrial Disputes Act 1947. The clause (bb) of Section 2(oo) of the Industrial Disputes Act 1947 has held to be valid and constitutional in the case of Terminated Full Time L.I.C. Employees Vs. Sr. Divisional Manager reported in 1993(2), S.C.T. page 581 (F.B.) and Rai Bahadur Vs. General Manager Food Specialities Ltd. Moga reported in 1991(1) PLR page 631.

8. Counsel for the petitioner has further alleged violation of Section 25-H of the Industrial Disputes Act, 1947 which is meritless legally as well as factually. As held in K. Rajen and other Vs. Kerala State Electricity Board reported in 1992 Lab. I.C. page 1208 the workman can claim violation of Section 25-H only if



validly retrenched. Further under sub-section (bb) thereof retrenchment does not include termination of services of a workman as a result of non renewal of contract of employment between the employee and the workman concerned on its expiry of said contract being terminated in terms of stipulation on that behalf contained therein. Therefore, he can not claim any benefit U/S 25-H of the Industrial Disputes Act, 1947. Similarly the case of the petitioner fallen U/S 2(bb) of the Industrial Disputes Act, 1947 which does not include termination of service of a workman as a result of non-renewal of contract of workman obviously provisions of Section 25-H would not attract.

9. Even factually the petitioner in his pleadings or in his evidence has nowhere stated as to which person the management had employment and when the said employment had taken place. There is also no evidence that the post still existed after the termination of service of the petitioner. The petitioner is heavily burdened to prove the same but there is complete silence in this regard.

10. Faced with the difficulty the petitioner pointed out that both the terms should be clubbed. As held earlier his earlier tenure of employment from 22-4-1985 to 13-12-1985 was for the period of six months plus 55 days which had expired on 13-12-1985. However subsequent employment w.e.f. 8-9-1986 was for a period of three months that too after a gap of 10 months. Therefore, both the periods can not be clubbed because clubbing of both the periods is only possible provided both the periods fall within 12 calendar months from the date of termination under reference which is not the case here. The petitioner, therefore certainly not entitled to any relief.

11. Hence nothing survive in the proceedings initiated by the petitioner and he is not entitled to any relief what-so-ever. The reference is dismissed and returned to the Ministry.

Chandigarh.  
28-4-1984.

ARVIND KUMAR, Presiding Officer

